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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation

RAJYA SABHA

The following report of the Joint Committee of the Houses of Parliament on the Bill further to amend the Banaras Hindu University Act, 1915, was presented to the Rajya Sabha on the 16th August, 1965:—

COMPOSITION OF THE JOINT COMMITTEE

MEMBERS

Rajya Sabha

1. Prof. A. R. Wadia.....*Chairman.*
2. Shri Jairamdas Daulatram
3. Shri P. K. Kumaran
4. Prof. Mukut Behari Lal
5. Dr. B. N. Prasad
*6. Dr. Nihar Ranjan Ray
7. Shri N. Narotham Reddy
8. Shri M. Ruthnaswamy

*Resigned his seat in the Rajya Sabha on June 1, 1965.

9. Shri P. N. Sapru
10. Shrimati Sharda Bhargava
**11. Shri Mahabir Prasad Shukla
12. Shri R. P. N. Sinha
13. Shri Dattopant Thengari
14. Shri S. K. Vaishampayen
15. Shri M. C. Chagla

Lok Sabha

16. Dr. M. S. Aney
17. Shrimati Renuka Devi Barkataki
18. Shri A. E. T. Barrow
19. Shri Bhakt Darshan
20. Shri Yudhvir Singh Chaudhary
***21. Dr. Panjabrao S. Deshmukh
22. Shri Madhavrao Laxmanrao Jadhav
23. Shri Gauri Shanker Kakkar
24. Shri Harekrushna Mahatab
25. Shri Mahesh Dutta Misra
26. Shrimati Savitri Nigam
27. Shri Tika Ram Paliwal
28. Shri Sarjoo Pandey
29. Shri Purushottamdas R. Patel
30. Shri S. B. Patil
31. Shri P. S. Nattaraja Pillai
32. Shri S. K. Pottekkatt
33. Shri D. D. Puri
34. Shri Raghunath Singh
35. Shrimati Renuka Ray
36. Shri Bal Krishna Singh
37. Shri Krishnapal Singh
38. Shri Rajdeo Singh
39. Shri Ramshekhar Prasad Singh
40. Shri Sinhasan Singh

**Appointed on the 23rd December, 1964, *vice* Shri Tarkeshwar Pande who resigned his seat in the Rajya Sabha.

***Died on the 10th April, 1965.

41. Shri N. M. R. Subbaraman
42. Shri Kamal Nath Tiwari
43. Lt. Col. Maharajkumar Dr. Vijaya Ananda of Vizianagram
44. Shri Ram Harkh Yadav
45. Shri Ram Sewak Yadav

REPRESENTATIVES OF THE MINISTRIES

Ministry of Law

Shri R. C. S. Sarkar, *Secretary, Legislative Department.*
Shri C. J. Venkatachari, *Deputy Draftsman.*

Ministry of Education

Shri G. K. Chandiramani, *Educational Adviser (T) and ex-officio Additional Secretary*

Shri Triyogi Narain, *Under Secretary*

SECRETARIAT

Shri S. S. Bhalerao, *Joint Secretary*
Shri S. P. Ganguly, *Deputy Secretary*
Shri M. K. Jain, *Under Secretary*

REPORT OF THE JOINT COMMITTEE

I, the Chairman of the Joint Committee to which the Bill* further to amend the Banaras Hindu University Act, 1915 was referred, having been authorised to submit the Report on their behalf, present this their Report, with the Bill as amended by the Committee annexed thereto.

2. The Bill was introduced in the Rajya Sabha on the 1st October, 1964. The motion for reference of the Bill to a Joint Committee of the Houses was moved on the 24th November, 1964, by Shri M. C. Chagla, Minister of Education and was adopted by the House on the 25th November, 1964 (Appendix I).

3. The Lok Sabha discussed the motion on the 15th December, 1964 and concurred in it on the 16th December, 1964 (Appendix II)

4. The message from the Lok Sabha was read out to the Rajya Sabha on the 17th December, 1964.

5. The Committee held thirteen sittings in all.

6. At their first sitting held on the 24th December, 1964, the Committee decided to hear evidence from the institutions and individuals desirous of presenting their suggestions or views before the Joint Committee and to issue a press communique inviting memoranda etc. for the purpose. The Committee also authorised their Chairman to decide, after examining the memoranda submitted by individuals as to who should be called to give oral evidence before the Committee.

7. Thirty-five memoranda/representations on the Bill were received by the Committee from different institutions and individuals (Appendix III).

8. The Committee heard evidence tendered by one association and eleven individuals (Appendix IV).

9. The Committee decided that the whole of the evidence tendered before them be laid on the Table of the House.

10. The Report of the Committee was to be presented on the 17th February, 1965. The Committee were, however, granted an extension of time upto the 16th August, 1965.

*Published in Part II, section 2 of the Gazette of India Extraordinary, dated the 1st October, 1964.

11. The Committee considered the Draft Report on the 5th August, 1965 and adopted it on the same day.

12. The principal changes suggested by the Committee in the Bill and the reasons therefor are set out in the succeeding paragraphs:

CLAUSE 2

In the definition of the term "teacher", a specific reference to faculty has also been made so that the definition will include the professor, lecturer or tutor imparting instruction in a faculty also.

CLAUSE 3

Sub-clause (*a*).—The Committee feel that for the efficient administration of the University, offices which do not carry any responsibility and which are merely titular should be abolished. In this view, the office of the Pro-Chancellor which is of that category should be abolished. In sub-clause (a), the reference to Pro-Chancellor has therefore been omitted. As the Committee feel that the members of the Executive Council should form part of the body corporate, provision has been made in that regard.

Sub-clause (*b*).—This sub-clause has been redrafted with a view to amplifying the purposes for which the University has been incorporated.

CLAUSE 5

Sub-clause (*a*).—The Committee feel that the scope of the sub-clause should be widened so that the University may have departments for the study and research of all the important religions, civilisations and cultures. The Committee also feel that it should be made clear that the University is also empowered to grant diplomas and certificates. The sub-clause has been amended accordingly.

Sub-clause (*b*) (*New*).—This provision is of a consequential nature.

Sub-clause (*c*) (*New*).—The Committee feel that the University should be armed with the power to withdraw degrees, diplomas, certificates and other academic distinctions if the circumstances so warrant. The new sub-clause has been added to achieve this purpose.

CLAUSE 7

Section 6 (*Original*).—In conformity with the view set out under clause 3 above the Committee feel that the office of the 'Chief

Rector' as well as the offices of the "Rectors" of the University referred to in that section should be abolished. The Committee have therefore deleted the provision.

Section 6 (*Original section* 7).—The office of the Pro-Chancellor has been deleted from the list of officers of the University. The Committee consider that as the Vice-Chancellor is a whole-time salaried officer, there is no necessity to have another officer of the same rank, namely, Pro-Vice-Chancellor in the University. Further, the Committee are aware that the system of having both the Vice-Chancellor and the Pro-Vice-Chancellor of almost co-equal status has not contributed to the smooth working of the University. The Committee have therefore abolished the office of the Pro-Vice-Chancellor. All the same, the Committee feel that for a large University like the Banaras Hindu University, there should be a senior and experienced whole-time salaried officer to render assistance to the Vice-Chancellor in the discharge of his duties. With this end in view, the office of a Rector has been created, the appointing authority being the Executive Council. The terms of appointment and functions of the Rector have been clearly enumerated in the Statutes.

The Committee are of opinion that the whole-time officer to look after the finances and investment of the funds of the University should be appropriately designated as "Finance Officer" instead of the "Treasurer". The section has been amended accordingly.

Section 7C (*Original*).—In view of the abolition of the office of the Pro-Chancellor, this section has been deleted.

Section 7B (*Original section* 7D).—The Committee are of the opinion that it is the Court, being a higher and more representative body, that should be empowered to nominate two members of the committee charged with the duty of recommending a panel of names to the Visitor for appointment to the post of Vice-Chancellor. The Committee have, therefore, assigned this function to the Court instead of the Executive Council. The Committee also feel that the person to be nominated by the Visitor as a member of that committee should also be its Chairman.

The Committee further consider that every Vice-Chancellor should have only one term of office of five years and that it would be possible for the Vice-Chancellor to evolve sound policies and implement them within that time. The Committee have also deleted the provision regarding the power to grant an extension of term of office to a Vice-Chancellor.

The section has been amended to give effect to all the above proposals and consequential amendments have also been carried out.

Section 7C (Original section 7E).—The Committee consider that the subject relating to the maintenance of discipline in the University should find a place in the Statutes instead of in the body of the Act. Hence sub-sections (3), (4) and (8) have been deleted and necessary provisions to that effect have been made in the Statutes.

CLAUSE 9

The Committee feel that the Standing Committee of the Academic Council which is an existing authority in the set up of the University and which is a peculiar feature of the University should continue to function even in the new set up. The amendment gives effect to this.

CLAUSE 10

Sub-section (1) of section 9.—The change is of a drafting nature.

Sub-section (3) of section 9.—The Committee are of the opinion that the Court should consider the auditor's report on the annual accounts, if they are available, at the time of the meeting. Provision has been made in this regard. The Committee are also of the opinion that the budget of the University for the next financial year need not be approved by the Court. The requirement relating to the approval has been deleted.

Sub-sections (4) and (5) (Original) of section 9.—The Committee feel that there is no necessity to spell out these details and that these are best regulated by conventions. These have therefore been deleted.

Sub-section (2) of section 9A.—The Committee feel that the papers relating to the annual meeting of the Court should be sent to the members at least fifteen days before the date of the meeting. The sub-section has been amended accordingly.

CLAUSE 12

Since the Standing Committee of the Academic Council is proposed to be retained as one of the authorities of the University (vide clause 9), section 12 of the principal Act has been retained and consequently reference to section 12 has been deleted from the clause.

Section 12B (Original sections 12A and 12B).—The Committee feel that the provision for disqualification for being chosen, and for being, a member of any of the authorities of the University should

be combined and incorporated in only one place. The Committee also feel that a person who has been convicted by a Court of Law of an offence involving moral turpitude and sentenced in respect thereof to imprisonment for not less than six months should be permanently disqualified for being chosen and for being a member of any of the authorities of the University. The Committee further feel that any question whether a person is or had been subjected to any disqualification should be referred to the Visitor and not to the Vice-Chancellor and that the decision of the Visitor thereon should be final. With this end in view, section 12B has been redrafted on the lines of article 102 of the Constitution and this obviates the necessity for sections 12A and 12B (original) and also section 16E (original) in clause 17.

CLAUSE 13 (NEW)

The Committee feel that the accounts of the University, when audited, should be submitted to the Court also in addition to the Visitor. Hence this new clause has been added.

CLAUSE 14 (ORIGINAL)

The Committee feel that even though the Banaras Hindu University is a residential University, it should, as before, continue to admit colleges and institutions which are situated within a radius of fifteen miles of the University, to the privileges of the University if they fulfil the conditions prescribed by the University for that purpose. The Committee have, therefore, deleted the clause.

CLAUSE 15 (NEW)

The Committee feel that the University should be empowered, if it so desires, to found and maintain anywhere in India special centres and laboratories for research in various subjects taught in the University. The clause has been added to achieve this object.

CLAUSE 17 (ORIGINAL CLAUSE 16)

For the reasons mentioned under clause 12, section 16E has been deleted.

CLAUSE 18 (ORIGINAL CLAUSE 17)

Item (*i*).—Amendment of a drafting nature has been made as a consequence of the deletion of clause 14 (original).

Item (*o*).—As a consequence of the amendments made to clause 7 (section 7C), it has been provided that Statutes may also provide for the discipline of students.

CLAUSE 19 (ORIGINAL CLAUSE 18)

Sub-clause (e).—Proposed sub-section (8) of section 18 of the principal Act in the Bill makes provision that the Visitor may at any time after an Ordinance has been considered by the Court signify to the Council his disallowance of the Ordinance. A time limit of three months is specified for exercising this power lest there should be continued uncertainly in the implementation of any Ordinance.

CLAUSE 22 (NEW)

Power has been taken to remove difficulties that may be encountered in the implementation of the provisions of the amending Act and the clause is modelled on section 45 of the Visva-Bharati Act, 1951 (29 of 1951).

CLAUSE 23 (ORIGINAL CLAUSE 21)

The Committee are of the opinion that the University should have new leadership as early as possible after the enactment of the Bill. To achieve this object and for the effective implementation of the provisions of the Act, the Committee consider that immediately on the commencement of the Act, the present incumbents of the offices of the Vice-Chancellor and the Registrar should vacate office (even if it involves the curtailment of their term of office) and that steps should be taken immediately to constitute the new Court and other authorities mentioned in the Act and to appoint persons to the various offices of the University in accordance with the provisions of the Act and of the Statutes set out in the Schedule. The Committee also feel that during the interregnum the Visitor should be empowered to appoint the Vice-Chancellor and the Registrar and that the two officers should hold office only until their successors are appointed under the provisions of the Act. As regards the offices of the Chancellor, the Deans of the Faculties and the Chief Proctor, the Committee consider that the present incumbents of each office should continue in office until his successor is chosen in accordance with the provisions of this Act and enters upon his office. Care has also been taken that till a Finance Officer is appointed, the Treasurer holding office immediately before the commencement of the Act should continue to function notwithstanding the abolition of the office of the Treasurer. This is intended to ensure continuity in the administration of the University relating to financial matters. In respect of every other officer of the University, the Committee feel that he should hold office by the same tenure and upon the same terms and conditions as he held it immediately before the commencement of the amending Act.

Clause 23 is designed to achieve the objects mentioned above.

THE SCHEDULE

Statute 2 (*Original Statutes* 2 *and* 3)

Since the Committee have proposed the abolition of the office of the Pro-Vice-Chancellor and creation in lieu thereof a whole-time salaried post of Rector, original Statutes 2 and 3 have been deleted and in their place provision has been made relating to the method of appointment of Rector, his duties and powers and other terms and conditions of service.

Statute 3 (*Original Statute* 6)

Provision has been made in clause (5) (c) of the Statute for an appeal to the Executive Council against an order of the Vice-Chancellor imposing the penalty of dismissal on an employee of the University.

Statute 4 (*Original Statutes* 4 *and* 5)

Consequent on the abolition of the office of the honorary Treasurer and creation of the post of a whole-time salaried Finance Officer, the Committee have deleted the original Statutes (*viz.* Statutes 4 and 5) and in their place have inserted provision relating to the method of oppointment of the Finance Officer and his duties and powers.

Statute 5 (*Original Statute* 7)

The Committee are of the opinion that it would be in accordance with the scheme of the Bill to delegate to the Executive Council, rather than to the Vice-Chancellor, the power to appoint a person to perform the duties of Librarian when the office of the Librarian is vacant or when the regular incumbent of the office is for any reason unable to act. Necessary amendment has therefore been made in Clause (2) of the Statute.

Statute 9 (*Original Statute* 11)

The Committee are of the opinion that the membership of the Court should be increased considerably and that it should have a non-official majority. The Committee feel that separate representation should be given in the Court to the Heads of Teaching Departments who are not Deans of the Faculties of Engineering, Agriculture and Commerce. The Committee are of the view that the registered graduates should be given more representation and the system of regional representation in their case should be done away with.

As regards the donors, the Committee consider that a person who has donoted to the University a sum of rupees one thousand or more

or property of like value should be entitled to be registered as a donor and that such registered donors should elect their representatives to the Court through the system of proportional representation by means of the single transferable vote. The Committee also feel that as the Banaras Hindu University is an All-India University, it should have more representatives from Parliament. As regards the representation of learned Professions, Industry & Commerce, the Committee are of the view that representation should also be given to persons having special knowledge or practical experience in respect of Agriculture and that representatives of this group should be nominated by the Visitor instead of by the Executive Council.

The Statute has been amended suitably to achieve these objects.

The other amendments are of a consequential nature.

Statute 13 (*Original Statute* 15)

The Committee are of the opinion that in an administrative body like the Executive Council, the academicians should not have a majority and have therefore omitted the Dean Students and the Chief Proctor. The Committee also consider that the Court should have more representatives in the Council and that these representatives should be elected to the Council through the system of proportional representation by means of the single transferable vote.

The Committee have given representation to the Principals of the Colleges admitted to the privileges of the University. The Statute has been amended suitably to achieve these objects. The other changes are of a drafting and consequential nature.

Statute 14 (*Original Statute* 16)

Since the Standing Committee of the Academic Council has been provided for in the Bill, the Committee feel that the power of making recommendation in regard to appointment of examiners, moderators and if necessary, to remove them, and to fix their fees, emoluments and travelling and other allowances, should be conferred on that Committee. Clause (x) of the Statute has been amended to achieve this purpose.

The other changes made in the Statute are of a consequential and drafting nature.

Statute 16 (*Original Statute* 18)

Since the University will continue to admit colleges and institutions to the privileges of the University, the Committee consider that the principals of all the colleges admitted to the privileges of

the University should also be members of the Academic Council. The Committee have, therefore, amended item (x). Further the Central Hindu College (Kamachha), has ceased to exist and this item has been deleted.

The other changes made are of a consequential nature.

Statute 17 (*Original Statute* 19)

Since the Standing Committee of the Academic Council, will continue to function under the new set up also the Committee have deleted the duties and functions of the Academic Council specified in clauses (ix), (x), (xi) and (xii) of the Statute and assigned those functions to the former.

The other changes are of consequential nature.

Statutes 18 *and* 19 (*New*)

In these Statutes, the Committee have provided for the composition and the duties and functions of the Standing Committee of the Academic Council.

Statute 20

The amendments are of a consequential nature.

Statute 21

The amendments are of a formal nature and have been made taking into account the position prevailing in the University.

Statute 22

The changes are of a formal nature.

Statute 26

As the librarian holds an important place in the University, the Committee feel that the appointment to the post of Librarian should also be made on the recommendation of the Selection Committee consisting of persons who have special knowledge of the subject of Library Science. The Committee further consider that the procedure to be followed by the Selection Committee in making recommendations for appointment to a post should be laid down in the Ordinances. The Statute has been amended suitably to achieve this purpose.

Statutes 30 *and* 31 (*Original Statute* 30)

As the Committee are of the opinion that no teacher should be removed on the ground of alleged physical unfitness or inefficiency,

original Statute 30 has been recast into two Statutes, namely, 30 and 31.

Statute 30 deals with the removal of teachers. The Committee decided that—

(1) the Vice-Chancellor's power to suspend a teacher against whom misconduct is alleged must be retained but this provision must come first;

(2) the Vice-Chancellor should report the circumstances under which the order of suspension was made to the Executive Council forthwith;

(3) the Executive Council should be clothed with the specific power to revoke the order of suspension;

(4) show cause notice must be given to a teacher against whom action is proposed to be taken;

(5) the Executive Council could remove a teacher only by a two-thirds majority of its members present and voting;

(6) where a teacher is under suspension at the time of removal, the date of removal must take effect from the date of suspension; and

(7) provisions enabling a teacher to resign from the service after giving three months' notice in writing to the appointing authority should be made.

Statute 30 as it stands now is designed to give effect to these decisions.

The provision relating to the removal from service of an employee, other than a teacher, has been recast. In Statute 31, provision has been made to give effect to the proposal that an employee, other than a teacher, may also resign from service, in case he is a permanent employee, by giving three months' notice in writing or paying to the University three months' salary in lieu thereof and, in any other case, after giving one month's notice in writing to the appointing authority or paying to the University one month's salary in lieu thereof.

Statute 35 (*Original Statute* 34)

Statute 35 only reproduces the existing Statute relating to admission of colleges and institutions to the privileges of the University with certain modifications relating to the composition of the Managing Body. This has been necessitated as the Committee have retained the provision relating to the admission of colleges and institutions within a radius of fifteen miles from the University to the privileges

of the University. The membership of the committee which will have to be appointed by the Managing Body for selection of teachers has also been enlarged.

Statute 36 (*Original State* 35)

The Committee feel that the names of the registered graduates which have been entered in the Register of registered graduates immediately before the enactment of this Bill should be included in the Register of registered graduates maintained under this Statute. Clause (4) has been inserted to achieve this object and consequential amendment has also been made.

Statute 37 (*Original Statute* 36)

The Committee are of the opinion that provision should be made for registering the name of every person who has made a donation of one thousand rupees or more or has transferred property of the like value to the University and to have his name entered in the Register of registered donors. Provision similar to Clause (4) of Statute 36 has also been made.

Statute 59 (*New*)

Consequent on the amendment made in clause 7 (section 7E) and clause 18 [item (o) of section 17(1), of the principal Act] provision has been made in this Statute relating to the discipline of students.

Statute 60 (*New*)

The Committee feel that no students' organisation should compel any student to become a member thereof and that fee or subscription could be collected only from a member of the association. In other words, the intention is to make membership voluntary and only when a student voluntarily becomes a member, subscription or fee can be demanded. New Statute has been incorporated for giving effect to this proposal.

ANNEXURE

The changes are of a formal nature and have been made taking into account the position now prevailing in the University.

The Committee recommend that the Bill, as amended, be passed.

NEW DELHI;
5th August, 1695,

A. R. WADIA,
Chairman of the Joint Committee.

MINUTES OF DISSENT

I

We do not agree with the decision of the Committee that the name of the University shall remain as it is. We recognise that historically speaking, so much sentiment is attached to it. In the days when the British Imperialists were ruling India, the word "Hindu" was perhaps necessary to suggest to the people that it was a National Institution. But now we are a free people, and our Constitution declares that ours is a secular state. Since this University is financed and run by the Central Government, it should be run in accordance with the principles of secularism. Similarly, the name also should suggest that it is a secular institution. It is not our argument that the word Hindu suggests that it belongs only to the Hindus. But our fear is that this creates a certain apprehension in the minds of certain people, while it may give scope for certain other groups of extreme communal persuasion to believe or make others believe that the University is only for the Hindus.

In this connection, we would like to recall the recent unhappy incidents in Aligarh Muslim University. A group of people of extreme communal tendency succeeded in creating a false impression among certain people, that the Vice-Chancellor was preparing to hand over the Aligarh University to the Hindus. And on the basis of this propaganda they did succeed in mobilising people to attack the Vice-Chancellor and cause all the shameful incidents that happened there. This incident has convinced us that the word "Muslim" should be dropped from the name of Aligarh University.

From the History of the Banaras University, we know that that University also is not free from groupism and group politics. It cannot be ruled out that at a time, when various fissiparious tendencies are openly coming out in this country of ours, a group of people might take it into their heads to rouse Hindu communalism also. That is why we feel that the word "Hindu" from the name of Banaras University and the word "Muslim" from the name of Aligarh University, should be dropped.

Banaras Hindu University (Amendment) Bill is before us. This is the time to do it. Moreover, Hindus being the majority community, it is our duty to do this first, so that later, when the word

"Muslim" is dropped from the name of the other University, there is no apprehension in the minds of the minority community.

Moreover, we understand that the seal of the University bears the name "Banaras Hindu University" in English and "Kashi Viswa Vidyalaya" in Hindi. It should be noted that the Hindi version does not contain the word "Hindu". It is clear that the founder of the University, the great late Madan Mohan Malaviya, used the word "Hindu" in English version only to emphasise that it is a national institution and was not supported or encouraged by the British Government. That distinction is no more necessary.

Out of the 79 or so Universities and Institutions of National importance in India only two are having communal names. Others are named after localities or regions.

Hence we are strongly of the opinion that the name of the University shall be "Banaras (or Varanasi or Kashi) University" in English, while the Hindi version shall continue to be "Kashi Viswa Vidyalaya".

P. K. KUMARAN
SINHASAN SINGH
N. NAROTHAM REDDY

II

We do not agree with the decisions accepted by the Select Committee in regard to the following:—

(a) *The retention of the word "HINDU" as a part of the name of the University.*—This is fundamentally in variance with the conception of a secular state as adopted in our Constitution. We feel that either this word be dropped or the name of the University be changed to "Kashi Mahavidyalaya". A similar consequential amendment may be made in the Aligarh Muslim University Act by deleting the word "Muslim".

(b) *The deletion of clause* 14 *(Original) of the Amending Bill.*— Clause 14 (original) emphasises the residential nature of the University and proposes that the University should not in future affiliate

any College or Institution maintained by other agencies. This is laid down in the Statement of Objects and Reasons as one of the main features of the Amending Bill. We feel that its deletion would be extremely unfortunate, as no further inroads should be allowed in diluting the residential nature of an University which has attained an All India character contributing towards building the integrated Indian citizens. We are strongly of the opinion that for the local needs of new Colleges a sufficient number of State Universities are there and one or two may be installed instead of vitiating and destroying further the residential character of this University. We however, recognise the need for making a concession in regard to the two existing colleges seeking affiliation who have not been given the same status as other affiliating colleges in the past. This could be provided for by making it clear in the Amending Clause 14 (original) that no new College or Institution started after the commencement of the Banaras University Amendment Act 1965 shall be admitted to any such privilege of the University. This should meet the present difficulty and ensure that in future no encroachment in the residential character of the University will be made.

(c) *Clause 7 (New)*.—Provision has been made for the tenure of *the Vice-Chancellor for five years without eligibility for reappointment.* We are of the opinion that the tenure may be reduced to three years with eligibility for reappointment for at least two more terms. If a Vice-Chancellor is found to be competent and able there is no point in limiting his term of office to five years without reappointment; whereas if he is not found to be suitable and upto the mark there is no reason in his remaining in office for a long period of five years. The tenure of three years should be sufficient to judge the competence of a Vice-Chancellor.

RENUKA RAY
S. K. VAISHAMPAYEN
S. K. POTTEKKATT

III

We are sorry that we cannot endorse the decision of the Committee that the name of the University should not be changed from B.H.U. to "Kashi Vishwavidyalaya." We maintain that in a secular State no Government-managed or Government-financed institution

should bear the name of a caste, community or religion. The word "Hindu University" does give an impression that it is primarily meant for the Hindus; similarly the word "Muslim University" of Aligarh, that it is meant for the Muslim. Therefore my contention is that the words "Hindu" and "Muslim" must go out from the names of these two universities financed by the Central Government.

It is an open secret that the original idea of late Mahamana Malviyajee was to name the university as "Kashi Vishwavidyalaya" and it was only on persuation from the late Dr. Annie Besant and a few other friends that he agreed to have the present name; even then he retained the name of his original conception "Kashi Vishwavidyalaya" on the seal of the university along with B.H.U. Let us now carry out the original wish of its main founder, Pandit M. M. Malviya. Kashi is the ancient name of the place and it occurs in Srimad Bhagwat Gita also(काशीराजश्च वीर्यवान्) and therefore greater sentiment in this country is attached to this name than to Banaras which, by the way, has now disappeared yielding place to Varanasi. We are therefore strongly of the opinion that the name of the university under reference should be changed to "Kashi Vishwavidyalaya."

R. P. N. SINHA
SAVITRI NIGAM

IV

As Chairman of the Joint Select Committee I was devoutly hoping that there would be no need for a Minute of Dissent from me. But I have been disappointed, I would be failing in my duty if I did not draw the attention of Members of Parliament to the circumstances in which an amendment relating to the Registrar came to be accepted by a very narrow majority. But before I do so I should like to say a few words about the abolition of the offices of the Pro-Chancellor and the Rector.

I fail to understand why these amendments came to be proposed and still less how they came to be accepted by a majority. Both offices were purely honorary, but they lent a certain dignity to the University. The office of Pro-Chancellor has been filled in the past by distinguished persons. The present Pro-Chancellor is an alumnus of the University and is known to be a scholar of repute and a man of piety. The ground, on which the University has been built up

and brought into existence the finest university campus in the whole country now worth some crores, was the gift of his family. He himself has been ever ready to play the part of a generous host to the several exalted visitors to the University. The abolition of this office will bring no advantage to the University and will prove a distinct loss.

The Rector has been the Governor of Uttar Pradesh. It is but fair that the head of the State in which the University is situated should be officially connected with the University, even though it be in a purely honorary capacity, especially when the Government of Uttar Pradesh has been making a contribution of Rs. one lakh a year. I am happy to find that the Governor of Uttar Pradesh has been given the right to nominate a representative on the Court. In view of this the total abolition of the Rector's office is all the more amazing and unreasonable.

My most serious objection is to the amended section which runs as follows:

"Section 23 (4): "The Vice-Chancellor and the Registrar holding office immediately before the commencement of this Act shall, on such commencement, vacate such office".

The object of a joint select committee should be to consider a bill as fully as possible. This means that amendments should be circulated in advance so that they could be thought over by every member and discussed before they are passed or rejected by the Committee. This is usually done but every member of the Committee has the right to move an amendment at a meeting of the Committee. This right should be sparingly used so that a hasty decision may not be taken. In the case of the amendment I object it was only read out at the meeting. It is possible that several members may not have realised its implications and voted for it on the spur of the moment. Even so there was a very slight majority for it. I believe that the only remedy now is to leave it to the good sense of the Parliament to undo the effect of the amendment by changing it.

So far as the Vice-Chancellor is concerned it makes no practical difference as his term of office expires in March 1966 and this is likely to be before the Act comes into force. Besides the Vice-Chancellor was good enough to give evidence before the Committee. Questions were put to him by the members and they had material before them to come to a decision.

The case of the Registrar stands on a different footing altogether. He is after all a subordinate officer, who carried out the policies laid down by the Vice-Chancellor and the Executive Council. Of course the efficiency of the office depends on the Registrar. That the present Registrar has discharged his duties quite satisfactorily has been borne out by the opinions about his work expressed by successive vice-chancellors from the time when Dr. Radhakrishnan was Vice-Chancellor. Last year when there was some rift, the Executive Council supported the Registrar. The Registrar is a permanent official and the joint select committee emphatically threw out an amendment which sought to make his office a tenure appointment. I was very happy to note that the members of the joint select committee were unanimous in their desire to safeguard the rights of teachers and employees of the University generally against any possible injustice on the part of the Vice-Chancellor and/or the Executive Council. But I regret that these same principles were negatived when the Committee decided to terminate the services of the Registrar on the commencement of the Act. This is not playing cricket. He was not invited to give evidence and he was not subjected to any cross-examination. Such a treatment of a permanent officer is against all principles of law and equity. The Parliament is the custodian of people's rights and privileges and I leave it to the Parliament to see that the Registrar is not penalised because in a group-ridden university there are some people who may have complained against him. None of us would be safe if such reports were to be given credence without any chance being given to rebut such complaints. I repeat again that it is for the Parliament to consider the justifiability of such treatment in the case of the Registrar.

A. R. WADIA

V

I voted in favour of the amendment moved by a member of the Joint Select Committee declaring, *inter alia*, that on passing of the 1964-Bill to amend the 1915-Principal Banaras Hindu University Act, the Vice-Chancellor and the Registrar shall cease to hold their respective offices. However, on consideration I realise that the amendment raises questions of administrative prudence, legislative wisdom and constitutional validity. I am, therefore, compelled to write this minute of dissent.

It is one thing to determine membership of authorities and tenure of those who "hold their office during the pleasure" of the appointing authority or even of elected, honorary and ceremonial officers; but,

legislative action in terminating employment relationships of permanent or even fixed-term whole-time salaried-officers of universities in violation of the terms of their contracts of service, without abolishing their posts and without giving them an opportunity to be heard in violation of the rules of natural justice, by superceding existing Ordinances which provide for termination of service for stated causes under specified conditions and for due opportunity to be heard is a very different matter. The principle underlying the Amendment, if accepted, has the potentiality of affecting every employee, whether a member of the academic staff or administrative staff or otherwise and brings university employment in the political arena.

Further, in the light of the 1958-Banaras Hindu University Enquiry Committee Report, the 1958-Banaras Hindu University Ordinance, the 1958-Banaras Hindu University Amendment Act, and the 1958 up-to-date Resolutions of the predominantly Visitor-nominated Executive Council, the said Amendment singles out two from several hundred employees in the University, deprives them of the protection which the Parliament gave to them under the 1958 Amendment Act, denies to them access to Board of Arbitration and of the right to appeal to the Visitor under the University's principal Act and Ordinances and their contract of service and casts undeserving reflections. It appears to me that we are denying to them equality before law and the equal protection of laws. In conclusion, my suggestion is that we should leave the original provisions in the 1964-Bill to amend the Banaras Hindu University Act untouched.

If this subject cannot be reopened for consideration, then, I put my minute of dissent on record so that the matter can be reconsidered by relevant authorities.

LT. COL. MAHARAJKUMAR DR. VIJAYA
ANANDA OF VIZIANAGRAM

VI

वाराणसी हिन्दू विश्व विद्यालय संशोधन विधेयक बहुत ही दोषपूर्ण था। संतोष की बात है कि संयुक्त प्रवर समिति ने मूल विधेयक में संशोधनों द्वारा काफी हद तक विधेयक को सुधारा है। फिर भी कुछ खास दोष विधेयक में अब भी हैं जिन्हें दूर करना अति आवश्यक है।

संयुक्त प्रवर समिति में विधेयक की धारा एक, जो शीर्षक से सम्बंधित है, से हिन्दू शब्द हटाने का प्रयास किया गया परन्तु बहुमत ने उसे ठुकरा दिया। स्वतंत्रता के शीघ्र ही बाद से देश की सभी राजकीय तथा राज्य द्वारा सहायता प्राप्त संस्थाओं के नाम जिन से

साम्प्रदायिकता और अलगाव का भान होता है बदल जाने चाहिये थे। परन्तु दुख है कि अब तक इस दिशा में उचित कदम नहीं उठाये गये। आज देश में अनेकों शिक्षा संस्थायें हैं जिन के नाम धर्म, सम्प्रदाय और जाति के आधार पर है। मिसाल के तौर पर वाराणसी हिन्दू विश्वविद्यालय, अलीगढ़ मुस्लिम विश्व विद्यालय, कान्यकुब्ज कालेज, शिया कालेज, क्रिश्चेयन कालेज, कायस्थ पाठशाला, मारवाड़ी कालेज, अहीर कालेज, क्षत्रिय कालेज, जाट कालेज और कुर्मी कालेज आदि कुछ नाम गिना रहा हूं, ऐसे अनेकों नाम है। इन नामों से प्रथकता को प्रोत्साहन मिलता है। इस प्रकार की शिक्षा संस्थाओं में विद्यार्थियों की भर्ती, अध्यापकों और प्राफेसरों की नियुक्ति, फीस माफी और अन्य सहायता, धर्म, सम्प्रदाय और जाति के आधार पर होती है। शिक्षा संस्थाएं जिनका काम शिक्षा द्वारा देश को एकता के सूत्र में बांधना न्याय और समता की भावना जागृत करना है, ठीक उसके विपरीत आचरण करती हैं। इसका एक मात्र कारण संस्थाओं का धर्म, सम्प्रदाय और जाति के आधार पर नामकरण है। लोग तर्क देते है कि नाम से क्या, असल चीज तो काम है। ऐसे लोगों से मेरा मतभेद है। संस्थाओं के नामकरण के पीछे क्या भावना है। किसी समुदाय विशेष के हितों की साधना और उसको बड़ा बनाना। जब यह भावना है तो दूसरे समुदाय से टकराव, अलगाव और घृणा तो पैदा हो होगी। आज हम आबादी के हिसाब से तो 48 करोड़ हैं। परन्तु धर्म, सम्प्रदाय और जाति के हिसाब से अनेकों हिस्सों मे विभक्त है। इस अलगाव का सम्प्रदाय विशेष के नाम पर शिक्षा संस्थाओं का नामकरण बराबर प्रोत्साहन देता रहता है। देश ने बहुत खोया है, अब भी यदि हम चेत जायं तो स्थिति सम्भाली जा सकती है। जल्दी ही सदन के सामने अलीगढ़ मुस्लिम अध्यादेश आयेगा। इस में से भी मुस्लिम शब्द हटाने का सवाल उठेगा। शिक्षा मन्त्री को चाहिये कि वह अपनी ओर से हिम्मत के साथ ऐसे संशोधन को लायें जिससे इन दोनों केन्द्रीय विश्वविद्यालयों के नामों से वह शब्द निकल जाय जिन से धर्म और साम्प्रदायिकता का भान होता है। आवश्यकता तो यह है कि ऐसा नियम बने कि केन्द्रीय सरकार किसी शिक्षा संस्था या अन्य संस्था को किसी भी प्रकार की सहायता नहीं देगी जिसके नाम प्रथकता और अलगाव के आधार पर हैं ऐसा यदि हो, तो राज्य सरकारों के लिए भी मार्ग-दर्शन होगा।

प्रवर समिति द्वारा संशोधित विधेयक में जो दूसरी खामी रह गई है, वह विश्वविद्यालय को डिग्री, डिप्लोमा, सर्टिफिकेट और दूसरी शैक्षिक मान्यताओं को छीनने का तानाशाही अधिकार है। किन-किन हालतों में यह प्रमाण-पत्र छीने जायेंगे, यह भी नहीं दिया गया। इस अधिकार का दुरुपयोग हो सकता है और किया जायेगा। सब से पहले तो इस अधिकार का प्रयोग उन विद्यार्थियों पर होगा जो अपने अधिकारों के लिए आवाज उठाते हैं। इस संबंध में जो विधेयक में व्यवस्था है उसका हटना नितान्त आवश्यक हैं।

तीसरा दोष जो विधेयक में अब भी बाकी है वह विश्वविद्यालय में उप-कुलपति के चयन का है। प्रवर समिति द्वारा संशोधित व्यवस्था के मुताबिक कोर्ट दो व्यक्तियों को नामजद करेगी और एक नामजदगी विजिटर द्वारा होगी। यह तीन लोगों की समिति कम से कम तीन लोगों के नाम विजिटर के पास भेजेंगी। विजिटर इन में से किसी एक को, यदि किसी को भी नहीं तो फिर से नाम मांगेगा और उन्हीं में से किसी एक की नियुक्ति करेगा।

उपकुलपति की नियुक्ति करने वाले समिति के दो सदस्यों का चयन कोर्ट करेगी तो फिर उपकुलपति का चुनाव सीधे कोर्ट द्वारा ही हो इसमें क्या आपत्ति समझ में नहीं आती। चांसलर का चुनाव कोर्ट करेगी। हम चाहते हैं कि विश्वविद्यालय की स्वायत्तता कायम रहे। इसका आधार चुनाव है। इसलिये उप-कुलपति का भी चुनाव कोर्ट द्वारा किया जाय। विजिटर द्वारा चयन और नियुक्ति का अर्थ होगा सरकारी हस्तक्षेप और इस हस्तक्षेप से विश्वविद्यालय की स्वायत्तता में कमी आयेगी।

संशोधित विधेयक की धारा 12 बी (1) विश्व विद्यालय के अधिकारी चुने जाने पर कुछ रोक लगाई गई है। रोक (सी) में काफी कमी है। इस रोक में दो खामियां हैं। एक तो यह कि यदि सजा 6 महीने से कम है तो यह रोक निरर्थक हो जायेगी। मान लो किसी व्यक्ति को 15 दिन ही की सजा हुई हो या 5 माह 29 दिन की या धारा में वर्णित अपराध में केवल जुर्माना ही हुआ हो तो वह व्यक्ति अधिकारी बन सकता है। मैं समझता हूं कि यह न्यायसंगत नहीं है। मेरी राय में जुर्माना और जेल की सजा ही इस रोक को अमल में लाने के लिये काफी होनी चाहिये।

दूसरी जो खराबी है वह यह कि फिर वह व्यक्ति कभी भी अधिकारी नहीं बन सकता। मैं समझता हूं यह उचित नहीं, क्योंकि कोई अपने को सुधार भी सकता है। ऐसा भी हो सकता है कि उसे सजा गलत मिल गई हो। ऐसी स्थिति में हमेशा के लिए रोक लगी रहे उचित नहीं। कुछ समय निर्धारित हो जिसके बाद यह अयोग्यता समाप्त हो जाय।

धारा 12 बी की उपधारा 2 के अनुसार किसी व्यक्ति की अयोग्यता का अन्तिम निर्णय विजिटर द्वारा होगा अदालत जाने पर रोक लगा दी गई है। यह व्यवस्था अन्यायपूर्ण है और नागरिकता के मूल अधिकारों के विपरीत है। अन्तिम निर्णय अदालत पर ही छोड़ना न्याय संगत और उचित होगा।

संशोधित विधेयक की धारा 16 बी की उपधारा 2 के अनुसार विश्वविद्यालय और उसके किसी अधिकारी या अध्यापक के बीच करार संबंधी कोई झगड़ा पैदा होता है तो उसे आरबिट्रेशन ट्रिब्यूनल को सुपुर्द किया जायेगा। यह उचित है ही परन्तु इसी धारा की उपधारा 3 के अनुसार ट्रिब्यूनल का निर्णय अन्तिम होगा। उसे न्यायालय में चुनौती नहीं दी जा सकेगी। यह बहुत ही अन्यायपूर्ण व्यवस्था है। आरबिट्रेशन एक्ट-पूरा पूरा लागू करने से यह अन्याय और दोष दूर हो सकता है।

स्टेच्यूट में जहां कोर्ट के गठन का प्रश्न है उसमें काफी हद तक सुधार हुआ और नामजद सदस्यों की संख्या काफी घटी है। मैं सिद्धान्ततः नामजदगी का विरोधी हूं। इसलिये कोर्ट में एक भी नामजद सदस्य नहीं होना चाहिये क्योंकि नामजदगी का अर्थ होता है परोक्ष रूप में हस्तक्षेप।

प्रवर समिति ने कालेजों की सम्बद्धता सम्बन्धी संशोधन द्वारा सम्बद्धता का जो अधिकार दिया यह एक अच्छी बात हुई, परन्तु सम्बद्धता की शर्तों को इतना कड़ा कर दिया गया है किएक मानी में उसका अर्थ सम्बद्धता की व्यवस्था को समाप्त करना होता है। सम्बद्धता संबंधी शर्तों को ढीला करने की आवश्यकता है।

उपरोक्त सुझाये गये उद्देश्यों को पूरा करने के लिए विधेयक में परिवर्तन की नितान्त आवश्यकता है। अतः हम लोग इस समिति की रिपोर्ट पर अपना विरोध प्रकट करते हैं।

राम सेवक यादव
गौरी शंकर कक्कड़
सरजू पाण्डे

VII

While I agree with a great many provisions of the Banaras Hindu University (Amendment) Bill, as it has emerged from the Select Committee, I feel that the Bill requires to be further amended and revised. With this end in view certain suggestions are noted below:

1. *Name*

Since its inception the Banaras Hindu University is also known as the "Kashi Vishwavidyalaya". The emblem of the University bears both these names. And now when we are discarding English in favour of Indian languages, it is but proper that the University be also known in law as the "Kashi Vishwavidyalaya".

2. *Purpose of the University*

The Radhakrishnan University Commission rightly observes that "our educational system must find its guiding principle in the aims of the social order for which it prepares, in the nature of the civilization it hopes to build." Consequently, our "educational" institutions should be founded on the "social philosophy" outline in the "preamble" of our constitution, governed by our quest for democracy through the realisation of justice, liberty, equality and fraternity" assuring 'the dignity of the individual and unity of the nation'. The entire University Act deserved to be reviewed and recast with this end in view. Even when this is not done, it is necessary to lay down under section 3 of the Principal Act that to promote education in "democratic principles, ideals, values, processes and traditions" will also be an important purpose of the University. Students are to be educated by the University in the art of democratic citizenship, to be prepared to shoulder the responsibilities of democratic leadership, to be acquainted with problems with which Indian democracy is faced and to be encouraged to find their proper solution through co-operative study.

3. *Powers of the University*

In Clause 5(3) (b) of the Bill dealing with powers of the University the world "any college" be replaced by "any other educational institution". The proposed amendment will correspond with the present provisions of the Principal Act.

4. *The Chief Rector*

The Select Committee has proposed that the Governor of the Uttar Pradesh should cease to be the Chief Rector or Rector of the University. As such he is at present entitled to nominate a person on the Court and a member on the Executive Council. It is proposed by the Select Committee that the Governor of the Uttar Pradesh be entitled to nominate a person on the Court of the University. In view of the facts that the Government of the Uttar Pradesh donates annually more than three lakhs of rupees to the University funds, that a number of colleges of the Uttar Pradesh, situated in Varanasi and receiving the aid of U.P. Government, are admitted to the privileges of the University and governed by the decisions of its Executive Council and that the University authorities may need the assistance and co-operation of the Government of the Uttar Pradesh in many matters concerning students' welfare, it will be proper to empower the Governor of the Uttar Pradesh to nominate a member of the Executive Council of the University.

5. *Pro-Vice-Chancellor*

The Select Committee has proposed the abolition of the post of the Pro-Vice-Chancellor and has consequently dropped all references in regard to him from the Act and Statutes. But under many Ordinances, Regulations and Rules of the University, the Pro-Vice-Chancellor is assigned duties, powers and functions. It is, therefore, necessary to provide in a Statute of a transitory character that all such duties, powers and functions shall henceforth vest in the Vice-Chancellor, unless otherwise provided for by a competent authority.

6. *Chief Wardens*

In a Residential University, the Chief Wardens in charge of hostels occupy an important position. But neither in the Act nor in the Statutes are they recognised as officers of the University or assigned any representation on the Court, the Executive Council, the Academic Council or its Standing Committee. The Statutes need to be so amended that at least one Chief Warden by rotation may be able to serve on these bodies. Under the old Statutes the Provost used to represent the hostels on the Court, the Executive Council

and the Academic Council. When the post of the Provost is abolished, a chief warden by rotation should represent hostels.

7. *Principles of colleges*

The University maintains a number of colleges. Under the existing statutes, principles of these colleges are assigned adequate representation on various bodies of the University such as the Court, the Executive Council, the Academic Council and the Standing Committee. And Statute 26 B (i) of the Existing Statutes governs their existence. But in the proposed Statutes this provision is dropped and only Principals of the Medical College and the Women's College are assigned seats on some of the University bodies. Perhaps it is desired to abolish most of these colleges and organise education on a faculty basis under the guidance of the Deans of Faculties. This will be desirable from many points of view. Immediate steps must be taken for the purpose. But so long as they exist, due recognition needs to be given to their existence. It is, therefore, necessary to re-enact the old statute 26(B) and assign some representation to Principals of colleges on various bodies of the University.

8. *The Rector*

It is proposed in the Bill that the post of the Pro-Vice-Chancellor be abolished, and that a Rector be appointed to assist the Vice-Chancellor. It is also decided in the Select Committee that the Rector should not be an ex-officio member of the Executive Council. But a great many members felt that his presence in the meetings of the Executive Council would be desirable. A provision in regard to this needs to be made in the Statute. It will also be desirable to lay down that while he will have no right to vote, he will have right to take part in its deliberation to explain matters within his knowledge. The Rector who is proposed to be an *ex-officio* member of the Court should also be an ex-officio member of the Academic Council and its Standing Committee. He should be appointed by the Executive Council on the recommendation of the Vice-Chancellor.

9. *Committee for the selection of the Vice-Chancellor*

In Clause 7 B(2) which provides for the composition of a committee for recommending names for the appointment of a Vice-Chancellor, the words "elected by the court under the system of proportional representation by means of the single transferable vote" be substituted for "nominated by the Court". A nominee of the Executive Council and a nominee of the Chairman of the University

Grants Commission should also be added to this committee The number of members of the Committee be increased to five.

10. *Present Vice-Chancellor and Registrar*

Clause 23(4) and 23(6) lays down that the Vice-Chancellor and the Registrar holding office before the commencement of this Act, shall on such commencement, vacate office; and that the Vice-Chancellor and the Registrar, shall immediately on the commencement of this Act, be appointed by the Visitor, and that the Vice-Chancellor and the Registrar so appointed shall hold office until his successor is appointed and enters upon his office in accordance with the provisions of the Principal Act as amended by this Act or of the Statutes set out in the Schedule. These provisions deserve to be rejected by the Parliament.

The Vice-Chancellor holds a tenure post and his tenure of office is to expire in March 1966 Like the Chancellor he should continue to hold office until his successor is appointed in accordance with the provisions of the present legislative measure. Even if the Bill is passed by the Parliament in its present session, it will take time to reconstitute the Court in accordance with the new statutes and to appoint a Vice-Chancellor on the recommendation of a committee composed of the representatives of the court and a nominee of the Visitor. All this may take some six months. There is no reason why he should be discriminated against in the matter of retirement and not treated at par with the Chancellor, Deans of Faculties and the Proctor under clause 23(2) as was originally suggested by the Education Minister. It may also be pointed out that it will not be easy for the Visitor to find out a distinguished person willing to shoulder the responsibilities of the Vice-Chancellor for six months or so and that the appointment of a person less eminent and capable than the present Vice-Chancellor for the interim period will hardly be conducive to the best interests of the University.

The Registrar is a permanent whole-timer salaried officer of the university. His contract of service as well as University Ordinances provide for the termination of his service for stated causes under specified circumstances and insures to him the right of hearing, of arbitration of dispute and of appeal to the Visitor. There is no valid reason why he, of all permanent employees of the University, be discriminated against and deprived without proper enquiry of the security of service guaranteed to him under the contract of service and university Ordinances. Exparte Judgement against a permanent official on the recommendation of a majority of a Select Committee will be a violation of a basic principle of natural justice and healthy

democracy. No democracy can function properly and the rule of law will cease to exist, in case the services of a permanent official are allowed to be terminated by law on the impressions or reports of certain members of the Legislature. As is pointed out by Justice B. K. Mukherjee in Ram Prasad's case "it is impossible to conceive of a worse form of discrimination than the one which differentiates a particular individual from all his fellow subjects and visits him with a disability which is not imposed upon anybody else and against which even the right of complaint is taken away." In a system of government by political parties special care needs to be taken that a permanent servant's rights are duly protected against discrimination and he is not denied natural justice.

11. *Discipline of Students*

The Banaras Hindu University Act, 1915, whereby the University was established, entrusted to the charge of the Senate the discipline of students, and this responsibility was shared with the Senate by its Executive Body, the Syndicate. Since then the Act has been amended many a time. But no fundamental change was made in regard to the responsibility of discipline of students. When in 1951 the Senate was replaced by the Academic Council and the Syndicate was replaced by the Standing Committee, powers in regard to the discipline of students was transferred to the Academic Council and its Standing Committee dealt with the cases of indiscipline on its behalf. The Act of 1951 further laid down that no Ordinances would be made by the Executive Council in regard to the discipline of students, except after consultation with the Academic Council. Even in 1958 when certain drastic changes were made in the composition and powers of certain authorities of the University, the discipline of students continued to remain in charge of the Academic Council.

In this Bill, as it has emerged from the Select Committee, it is proposed that the Senate should cease to be in charge of the discipline of students (clause 11), that Ordinances with regard to the discipline of students might be made without any previous consultation with the Academic Council [clause 19(b)] and that all powers regarding "discipline and disciplinary action in relation to students shall vest in the Vice-Chancellor [Statute 59 (1)] and he may in the exercise of his aforesaid powers order restication and expulsion of students, debar student from appearing in any examination and cancel a student's result in any examination [Statute 59(3)]. The Vice-Chancellor is also to be empowered to "delegate all or such of its powers as he deems proper to the Chief Proctor or such other

person as he may specify in this behalf." In other words, the Vice-Chancellor, if he so chooses may empower any person to rusticate and expel a student and cancel his examination results. The proposed statute further lays down that "without prejudice to the powers of the Vice Chancellor and the Chief Proctor as aforesaid, detailed rules of discipline and proper conduct shall be framed." [Statute 59 (5)]. In other words, besides Ordinances which may be made by the Executive Council in regard to the discipline of students, rules with regard to it may be framed by the Vice-Chancellor and that these rules would not in any way prejudice the generality of the powers of the Vice-Chancellor and the Chief-Proctor, i.e., they may by virtue of the powers conferred on them by the Statutes exercise their powers any way they like regardless of the provisions of the rules. As under section 18(1) of the Principal Act Ordinances can be made subject to the provisions of the Act and the Statutes, the wide disciplinary powers of the Vice-Chancellor conferred on him by the Statute cannot be limited and defined by the Ordinances, even if the Executive Council so desires. The Vice-Chancellor is, thus, proposed to be entrusted with almost undefined autocratic powers in regard to the discipline of students.

The Radhakrishnan University Commission has rightly observed that the Vice-Chanceller must be "the keeper of the University's conscience, both setting the highest standard by example and dealing promptly and firmly with indiscipline or malpractice of any kind. All this he must do and can be done as a constitutional ruler; he has not, and should not have, autocratic power." (p. 422). From this it is obvious that the Commission did not wish the Vice-Chancellor to exercise autocratic power in regard to discipline concerning the staff or students.

It is true that since 1948 when the aforesaid Commission submitted its report, the discipline of students has further deteriorated. But for this University authorities are in no way less responsible and at least in certain cases the deterioration was largely due to the incompetence and inequitous ways of the Vice-Chanceller. Democracy and autocracy go ill together. The latter cannot befit a student to shoulder responsibilities of democratic citizenship which is required of every Indian under the constitution of the country. No Vice-Chancellor can hope to tone up the discipline and academic atmosphere of the University without active co-operation of a large section of the staff and students; and this cannot be had if he chooses to behave in an autocratic manner. Without proper co-operation of senior professors of the University no Vice-Chanceller can for long

maintain discipline among students. To ensure necessary involvement of senior professors in matters regarding the dicipline of students, it is but necessary to entrust this matter to a statutory body composed of certain senior professors headed by the Vice-Chancellor of the University. Even then he will have emergency power to act on behalf of that body if and when it becomes very necessary. So far the Standing Committee have acted on behalf of the Academic Council. If the Parliament so chooses a separate committee of discipline may be constituted for the purpose. It must, however, be remembered that a committee of discipline and health is constituted in the Delhi University, mainly because in that University no Standing Committee of the Academic Council is set up. When it is decided to retain the Standing Committee the constitution of a separate committee of discipline is not necessary.

It is also necessary to reiterate that no ordinances concerning the discipline of studies would be made by the Executive Council except after consultation with the Academic Council, which must continue to be in charge of the displine of students as it has at present.

It is true that in the Academic year 1958-59 students of the Banaras Hindu University behaved in a most objectionable manner and the Vice-Chancellor could not have the necessary cooperation of a number of teachers. But it is difficult to believe that the Vice-Chancellor would have been able to impose discipline if he had had the powers which are proposed to be entrusted to him under the Statute 59. For the last six years students of the Banaras Hindu University have been behaving properly and matters concerning the discipline of students have been adequately dealt with under old Ordinances and rules by the Standing Committee and Officials of the University. So there is hardly any justification for entrusting to the Vice-Chancellor any extraordinary disciplinary powers of an autocratic character. In this connection it will also be worthwhile to remember that the late Acharya Narendra Dev, as the Vice-Chancellor of the University, was able to tone up without any extraordinary powers students' discipline which had considerably deteriorated before he assumed the charge of the university. So what is needed most is the appointment of a person as Vice-Chancellor, who, as is pointed out by the Radhakrishnan University Commission, may command the "confidence" of the staff and students "both by adequate academic reputation and by strength of personality." Discipline is to be invoked and fostered through character, ability and wide human sympathies for students rather than imposed with the help of powers of an autocratic nature.

12. *Service Conditions of Teachers*

Statute 30 ensures sufficient guarantee to the teacher against improper removal. But Statute 30 (a) which empowers the Vice-Chancellor to place a teacher under suspension subject to the subsequent revocation of such an order by the Executive Council needs to be revised. The authority which is entrusted with the power of appointment is also invested with the power of suspension and removal. So the power of suspension of a teacher must vest in the Executive Council and it should also be laid down that this power can be exercised by the Executive Council only on the recommendation of the Vice-Chancellor. A show-cause notice may be issued and preliminary explanation may be called for from the teacher concerned by the Vice-Chancellor. This will provide sufficient protection to the teacher against unjust displeasure of the Vice-Chancellor as well as that of the majority group in the Executive Council. It need hardly be stressed that the suspension of a senior professor who is not pulling on with the Vice-Chancellor may cause serious complications and hardship. While his reputation will be considerably damaged, the University administration may be faced with a chain of undesirable reactions. If the suspended teacher is able to so mainpulate a majority of the Executive Council as to get the order of suspension revoked, the Vice-Chancellor's position and dignity may be so undermined that he may find it difficult to serve the University thereafter. It may further be pointed out that even if the power of suspension of a teacher is entrusted to the Executive Council, the Vice-Chancellor may exercise that power in case of emergency under clause 7C (5). In that case, if his order of suspension is not approved by the Executive Council he may refer the matter to the Visitor for final decision. This will provide some protection against the evil effects of undesirable machinations and manipulations in the Executive Council. It may further be pointed out that the Statute which provides for the suspension must also provide for allowances etc. during the period of suspension.

13. *Service Conditions of Other employees*

At least senior administrative officers such as the Registrar, the Rector, the Finance Officer and the Librarian need as much protection as a teacher against the wrath of a bare majority of the Executive Council as well as that of the Vice-Chancellor and every employee must have a right of appeal against a decision of an authority other than the Executive Council and the Vice-Chancellor. Some provisions regarding the suspension of an employee other than a teacher also needs to be made.

14. *Powers of the Finance Officer*

Under Statute 4(3) (b) it is laid down that "the Finance Officer shall not incur any expenditure or make any investment exceeding Rs. 10,000 without previous approval of the Executive Council." This proviso obviously enables the Finance Officer to incur any expenditure and make investment upto Rs. 10,000 even without the previous approval of the Executive Council. No such power is assigned to the Treasury Officer under the Delhi University Act and there is no reason why an exception should be made in the case of the Finance Officer of the Banaras Hindu University. It must, therefore, be laid down that "the Finance Officer shall not incur any expenditure or make any investment without the previous approval of the Executive Council except with the special sanction of the Vice-Chancellor in the case of an emergency." Parliament may, if it so chooses, fix Rs. 10,000 as the limit to this emergency power in case of the finances of the University.

15. *Election to the Court*

In Statute 9 the employees of the University are debarred from being nominated or elected to the Court under certain heads. This must also apply to employees of an institution or college maintained by or admitted to the privileges of the University.

16. *Faculty*

Under Statute 22(1) (v) it is laid down that in each faculty there shall be one teacher, by rotation, according to seniority, from the women's college, provided that the college provides instruction in any of the subjects assigned to the Faculty. Obviously, a teacher of a subject assigned to the Faculty concerned is intended to be its member. So it is necessary to lay down that the rotation according to seniority in case of each Faculty shall be amongst teachers of subjects assigned to that Faculty.

17. *Honorary Degrees*

Statute 38 provides for conferring honorary degrees, but as it stands it is incomplete. It does not indicate the manner in which a person will be selected for the degree. It is, therefore, necessary to embody in the new statutes the provision contained in that respect in sub-clauses (4), (5)and (7) of the old Statute 20(A).

18. *Students Organisation*

Statute 60 proposes that "no student shall be compelled to join any students' organisation; nor shall any student be compelled to pay any fee or subscription for any such organisation unless he is a member thereof."

If the Statute is approved by Parliament, the students community will be deprived of the benefits of hostel unions, delegacy union, city students' unions; college unions, departmental unions, Banaras Hindu University Parliament and Students, Association recently organised in place of the University Union. Of all these organisations only the Banaras Hindu University Parliament and the University Union may have caused some difficulties to university authorities on some occasions. But almost all other compulsorily established students' organisations, including the Students' Association which replaced the students' union, have been functioning in a manner which has not caused much anxiety to university authorities with regard to the maintenance of discipline. They may not have promoted the community life and the social and cultural welfare of students to the extent they should have done: Still, but for them the university life would have been much poorer. These compulsorily established students' organisations have been organised by the university authorities; their constitution are either framed or approved by an officer of authority of the university ond provide both internal and external control of the university, their funds are deposited in the University and can be drawn under the signature of a teacher or officer appointed by the University to look after their affairs: University authorities have much greater control over them than they have over voluntarily organised students' associations most of which are either caste or regional organisations or closely associated with the political parties. The community life can surely be better promoted by associations which comprehend all students residing in a hostel or a lodge or belonging to a department; a faculty, a college or the University than by associations organised on the bases of regional loyalties, caste feelings and party affinities. The elimination of compulsorily organised associations will considerably enhance the importance of the latter which will hardly be conducive to the promotion of good community life and discipline among students.

Proposed statute 60 must not, therefore, be approved by Parliament.

MUKUT BEHARI LAL

VIII

I regret I am not able to agree to the provision in clause 23(4) that the Registrar should vacate office on the commencement of the Act. This provision was adopted by a very small majority of votes in the Joint Select Committee. The proposal that the Vice-Chancellor holding office now should vacate office was passed on

the ground that he was nearing the end of his tenure and it would be better if the new Vice-Chancellor has a clean slate to write upon and the retiring Vice-Chancellor should not be charged with the responsibility of taking steps to have the provisions of the Act implemented and to take other consequential action.

The proposal for the compulsory retirement of the Registrar was passed on the ground that there were differences between the present Vice-Chancellor and the Registrar. Whether these differences were due to difference in temperament or any fault of the Registrar was not a matter in which the Joint Select Committee could go. It would not have been proper for the Joint Select Committee to ascertain the facts from the parties and take other evidence on the point. As it is not the function of a Joint Select Committee or the Parliament to deal with the question of terminating or continuing the services of an individual officer of a University on any such grounds and decide whether or not he should be retired and as the Joint Select Committee did not and should not and the Parliament itself also does not and should not conduct any such enquiry, any provision in the Bill for the termination of Registrar's tenure on the ground of alleged differences between him and a Vice-Chancellor would not be desirable and we will be laying down a bad precedent both for the Parliament and other Legislatures of the country. This is apart from the fact that as one of the parties, the Vice-Chancellor has, in any case, to retire in March, 1966, the question of any difference temperamental or other between him and the Registrar which could impede the work of the University under the new Vice-Chancellor and the new Act should not arise.

2. I feel that it is in the interest of maintaining proper discipline in Universities that the students should have due respect for persons in authority in the University. It will not conduce to the maintenance of discipline if students find that some members of the authorities of the University have been convicted by a court of law of an offence involving moral turpitude are still in a position to exercise authority over them. The present provision which permits such a member of authority who has been in prison under the sentence for 5 months and 29 days to continue in authority over the students is against the interest of discipline. Whatever may be the sentence by a court of law, a person convicted of an offence involving moral turpitude should have no place in any authority of a University. I therefore feel that even if the sentence is of fine or merely for the period of the rising of the court the offender should be considered as disqualified under clause 12-B.

Similarly I am for deletion of the same type of provision in statute 31 which relates to the employees of the University.

JAIRAMDAS DAULATRAM.

IX

I disagree with some of the provisions of the Banaras Hindu University (Amendment) Bill, 1964 as amended by the Joint Select Committee.

In my opinion the tenure of appointment of the Vice-Chancellor should be three years and he should be eligible for reappointment for a second term. Page 5, Clause 7B(4) Lines 17 to 20 should be replaced by "The Vice-Chancellor shall hold office for a term of three years from the date on which he enters upon his office and shall on the expiry of such term be eligible for reappointment for a second term" an lines 21 to 23 should be deleted.

I am further of the opinion that the original provision under which the Court was empowered to approve the budget of the University with or without modification should be retained. At page 7, Clause 10 section 9(3), between lines 32-33, should be added 'and may approve the budget with or without any modification'.

SHARDA BHARGAVA.

X

I am signing this report which I consider to be a good one subject, however, to certain reservations. In the first place I regret that we have decided to abolish the high office of Pro-Chancellor. The Pro-Chancellor was elected by the Court but had no administrative or executive functions to perform. It was a dignified position which was held in the past generally by His Highness the Maharaja of Banaras who and whose ancestors have contributed largely to the funds of the University and given it the land on which it is situate. It was, however, always open to the University Court to elect any distinguished person as Pro-Chancellor. I think it is desirable, in the interests of higher education and for preserving the autonomous character of our universities, to have an elected person who can act for the Chancellor when he happens to be away. There are occasions when it may be embarrassing for the Vice-Chancellor to preside. In foreign universities they have a fair number of dignitaries holding various offices. The objective is that they should be in touch with public opinion and that the

University should be able to command the respect of the public. An elected person of real eminence can do much for the University. In the London University, in addition to the Chancellor and the Pro-Chancellor, there is a dignitary who is called the Chairman of the Court. How useful he has proved to be is illustrated by the tribute which was paid to Lord Macmillan, a Lord of Appeal in Ordinary by the Court on his retirement from the office of the Chairmanship of the Court in 1941:

> "That the Court desire to record their deep and sincere regret at the resignation of Lord Macmillan, their Chairman, since the constitution of the Court in 1929. They recognise the University's indebtedness to him, throughout a period of change and new development for his discriminating and farsighted leadership in matters of financial policy and all questions connected with the welfare of the schools. They feel actually the loss to their deliberations of his wide experience of men and affairs and also of those great personal qualities, not least as regards the finance of the building scheme in Bloomsbury, so brilliantly successful an advocate of the University in the outside world."

In the past the Pro-Chancellor used to be a ruling chief. We have now no ruling chiefs but we have men of distinction in the public, academic and educational life of this country. I do not see any reason why we should abolish an office which should enable the University to benefit by the wisdom and experience of an eminent public man or educationist. I think the office of Pro-Chancellor should remain. I am, therefore, opposed to this change.

2. I am opposed to the proposal embodied in sub-clause (4) of clause 23 that the Vice-Chancellor and the Registrar should have their offices terminated immediately the Act comes into I would like the university to start under conditions which make public enthusiasm for it possible. There is, in my opinion, a case for a change in the Vice-Chancellorship but the Registrar's position is different. The Registrar is, however, in the position of a civil servant who is entitled to the privileges which civil servants enjoy before action can be taken against them. For his is an office which cannot be described as of a constitutional character. It is against the principles of natural justice as also the spirit of Article 311 which we should, as an autonomous body, respect to take action without giving the officer *i.e.*, the Registrar concerned any chance to explain himself. I am, therefore, of the view that this sub-clause is ill-conceived and I strongly agree with the views to which

the Chairman has given expression in this matter. I think that the clause, so far as it relates to the Registrar, should be changed. I would even go to the extent of continuing the office of the Vice-Chancellor till the new constitution comes into force if there is a strong feeling that the Registrar should also go.

3. I am in agreement with the principle that membership of the students' unions should be voluntary. The Constitution guarantees freedom of association and membership of students unions can be made compulsory only if they are regarded or treated as part of the University, or the College to which they belong, but there are, we know, students' unions which are not part of a university or a college. It is against the spirit of the Constitution unless we look upon these unions as part of the education imparted by the university to make their membership compulsory. I would point out that we shall not be improving discipline in our universities by making university unions compulsory. The causes of indisciplines are many and varied and I do not propose to go into them. I had to consider this question as a member of the U.P. Universities Commission and have given full expression to my views on it in a note of dissent.

But while agreeing with the view that membership of the union should be of a voluntary character, I would like students to be more actively associated with the maintenance of discipline and order in the university. It is however possible to imagine that students can have some legitimate grievances. It is desirable that they should have a representative body elected on a faculty-wise, college-wise or hostel-wise or, for that matter, on a university basis by the method of the single transferable vote for making representations to university authorities in regard to matters affecting the welfare of the student community and their grievances if any. I should like this representative council to be a small body of 12 to 15 persons and it should work in cooperation with the Dean of Students' Welfare and the Chief Proctor as *ex-officio* members. I may point out that in the new civic universities of Britain, provision has been made for the establishment of such representative councils. Indeed, the constitution of these universities provides for a representation of students even on the court of the universities. The idea is that students should feel that they are active participants in the governance of the university. In existing circumstances I am not prepared to go as far as some British universities have done. But I strongly feel that there should be a sub-clause somewhat to this effect added at some suitable place. "There shall be a representative Council elected in such manner as may be determined by statute representing the students of the various faculties, colleges

and halls of the university. This body shall be an entirely elected one and shall have as its *ex-officio* members, the Dean of Students' Welfare and the Chief Proctor. This Council shall have the right of making representation in regard to the grievances of students and their welfare generally." I should like to add that on this body women students should also find representation.

P. N. SAPRU.

Bill No. XV-B of 1964

THE BANARAS HINDU UNIVERSITY (AMENDMENT) BILL, 1964

[AS REPORTED BY THE JOINT COMMITTEE]

[*Words side-lined or underlined indicate the amendments suggested by the Committee; asterisks indicate omissions.*]

A

BILL

further to amend the Banaras Hindu University Act, 1915.

BE it enacted by Parliament in the Sixteenth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Banaras Hindu University (Amendment) Act, 1965.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

16 of 1915.

Substitution of new section for section 2.

2. In the Banaras Hindu University Act, 1915 (hereinafter referred to as the principal Act), for section 2, the following section shall be substituted, namely:—

Definitions.

'2. In this Act, unless the context otherwise requires,—

(*a*) "Academic Council" means the Academic Council of the University;

(*b*) "college" means a college or teaching institution (other than a secondary, primary or infant school or pathasala) maintained by, or admitted to the privileges of, the University;

(*c*) "Court" means the University Court;

(*d*) "Executive Council" means the University Executive Council;

(*e*) "Faculty" means a Faculty of the University;

(*f*) "Ordinances" means the Ordinances of the University for the time being in force;

(*g*) "Regulations" means the Regulations of the University for the time being in force,

(*h*) "Statutes" means the Statutes of the University for the time being in force;

(*i*) "teacher" means a salaried professor, reader, lecturer or tutor who imparts instruction in a Faculty of, or in a college maintained by, the University and includes any other person who is declared to be a teacher by the Academic Council;

(*j*) "University" means the Banaras Hindu University.'.

Amendment of section 3.

3. In section 3 of the principal Act,—

(*a*) for sub-section (*1*), the following sub-section shall be substituted, namely:—

"(*1*) The Chancellor * * * and the Vice-Chancellor and the members of the Court, the Executive Council and the Academic Council, for the time being, shall be a body corporate by the name of the Banaras Hindu University.";

(*b*) in sub-section (*3*), for the words "and of promoting the study of literature, art, philosophy, history, medicine and science, and of imparting physical and moral training" the words "and in moral and spiritual values and of promoting the study of literature, art, philosophy, history, law, medicine, science and technology, and of imparting physical training" shall be substituted.

Amendment of section 4.

4. In section 4 of the principal Act, in the proviso, for the words "to those who have consented to receive it", the words "to those who, or, in the case of minors, whose parents or guardians, have given their consent thereto in writing" shall be substituted.

Amendment of section 4A.

5. In section 4A of the principal Act,—

(*a*) for clauses (*2*) and (*3*), the following clauses shall be substituted, namely:—

"(*2*) to promote the study of religion, literature, history, science and art of Vedic, Hindu, Buddhist, Jain, Islamic Sikh, Christian, Zoroastrian and other civilisations and cultures;

(3) to hold examinations and to grant diplomas and certificates, and confer degrees and other academic distinctions to and on persons—

(a) who shall have pursued a course of study in the University or in a college and passed the examination or who shall have carried on research work in the manner prescribed by the Ordinances, or

(b) who are teachers of the University or any college under conditions laid down in the Statutes or the Ordinances and shall have passed the examinations of the University under like conditions, or

(c) who, being women, shall have pursued a course of private study in subjects provided for by the Ordinances and shall have passed the examinations of the University in their subjects under conditions laid down in the Ordinances;";

(b) in clause (5), after the word "diplomas", insert the words "or certificates";

(c) after clause (5), the following clause shall be inserted, namely:—

"(5A) to withdraw degrees, diplomas, certificates and other academic distinctions;";

(d) after clause (9), the following clause shall be inserted, namely:—

"(9A) to institute, establish, maintain, reconstitute, amalgamate, divide or abolish departments, faculties or colleges and carry out inspection thereof and inquiry in relation thereto;";

(e) in clause (11), after the word "health", the words "and welfare" shall be inserted;

(f) after clause (12), the following clause shall be inserted, namely:—

"(12A) to regulate and enforce discipline among salaried officers, teachers and other employees of the University in accordance with the Statutes and Ordinance;";

(g) in clause (13), the word "and" at the end shall be omitted;

(*h*) after clause (*13*), the following clauses shall be inserted, namely:—

"(*13A*) to acquire, hold, manage and dispose of property, movable or immovable, including trust or endowed property, for the purposes of the University;

(*13B*) with the approval of the Central Government, to borrow on the security of the property of the University, money for the purpose of the University;".

Amendment of section 5.

6. In section 5 of the principal Act, in sub-section (*2*), after the word "equipment", the words "of any college", shall be inserted.

Substitution of new sections for sections 6 and 7.

7. For sections 6 and 7 of the principal Act, the following sections shall be substituted, namely:—

* * * * *

Officers of the University.

"6. The following shall be the officers of the University, namely:—

(*a*) the Chancellor,

* * *

(*b*) the Vice-Chancellor,

(*c*) the Rector,

* * *

(*d*) the Registrar,

(*e*) the Finance Officer,

(*f*) the Deans of Faculties,

(*g*) the Dean of Students,

(*h*) the Librarian,

(*i*) the Chief Proctor,**

(*j*) such other persons in the service of the University as may be declared by the Statutes to be the officers of the University.

Chancellor.

7. (*1*) The Chancellor shall be elected by the Court and shall hold office for a term of three years:

Provided that the Chancellor shall, notwithstanding the expiration of his term, continue to hold his office until the election of his successor.

(*2*) If the office of the Chancellor becomes vacant, the functions of his office shall, until some person is elected under sub-section (*1*) to the vacant office, be performed by the Vice-Chancellor.

Powers of Chancellor.

7A. (*1*) The Chancellor shall, by virtue of his office, be the Head of the University.

(2) The Chancellor shall, if present, preside at convocation of the University for conferring degrees and at all meetings of the Court.

* * * * *

Vice-Chancellor.

7B. (*1*) The Vice-Chancellor shall be appointed by the Visitor from a panel of not less than three persons who shall be recommended by a committee consisting of three members:

Provided that, if the Visitor does not approve of any of the persons so recommended, he may call for fresh recommendations.

(2) Two members of the committee shall be persons not connected with the University or a college nominated by the Court and one member shall be a person nominated by the Visitor who shall also * * * be the Chairman of the committee.

(3) The Vice-Chancellor shall be a whole-time salaried officer of the University.

(4) The Vice-Chancellor shall hold office for a term of five years from the date on which he enters upon his office and shall, on the expiration of his term of office be ineligible for reappointment to that office:

Provided that the Vice-Chancellor shall, notwithstanding the expiration of his term, continue to hold his office until his successor is appointed and enters upon his office.

* * * *

(5) The emoluments and other terms and conditions of service of the Vice-Chancellor shall be prescribed by the Ordinances.

(6) If the office of the Vice-Chancellor becomes vacant, the functions of his office shall, until some person is appointed under sub-section (*1*) to the vacant office, be performed by the Rector:

Provided that if there is no Rector, the Registrar shall carry on the current duties of the Vice-Chancellor and call a meeting of the Executive Council forthwith and take its directions for the carrying on of the work of the University.

Powers and duties of Vice-Chancellor.

7C. (*1*) The Vice-Chancellor who shall be the principal executive and academic officer of the University, shall take rank next to the * * * Chancellor and shall exercise general supervision and control over the affairs of the University and give effect to the decisions of its authorities.

(2) The Vice-Chancellor shall be the *ex-officio* Chairman of the Executive Council, the Academic Council, the Standing Committee of the Academic Council and the Finance Committee and shall, in the absence of the Chancellor * * *, preside at any convocation of the University for conferring degrees and also at any meeting of the Court; he shall be entitled to be present at and to address any meeting of any authority or board or committee of the University but shall not be entitled to vote thereat unless he is a member of such authority or board or committee.

* * * *

(3) It shall be the duty of the Vice-Chancellor to see that the provisions of this Act, the Statutes, the Ordinances and the Regulations are duly observed.

(4) The Vice-Chancellor shall have power to convene meetings of the Court, the Executive Council, * * * the Academic Council and the Standing Committee of the Academic Council and shall perform all such acts as may be necessary to carry out * * * the provisions of this Act, the Statutes and the Ordinances.

(5) If, in the opinion of the Vice-Chancellor, any emergency has arisen which requires immediate action to be taken, the Vice-Chancellor shall take such action as he deems necessary and shall report the same for approval at the next meeting to the authority which, in the ordinary course, would have dealt with the matter:

Provided that, if the action taken by the Vice-Chancellor is not approved by the authority concerned, he may refer the matter to the Visitor, whose decision thereon shall be final:

Provided further that, where any such action taken by the Vice-Chancellor affects any person in the service of the University, such person shall be entitled to prefer, within thirty days from the date on which he receives notice of such action, an appeal to the Executive Council.

* * * * *

(6) The Vice-Chancellor shall exercise such other powers as may be prescribed by the Statutes, the Ordinances or the Regulations.".

Amendment of section 8.

8. In section 8 of the principal Act, for the words "the officers of the University", the words "the other officers of the University" shall be substituted.

Insertion of new section 8A.

9. After section 8 of the principal Act, the following section shall be inserted, namely:—

Authorities of the University.

8A. The following shall be the authorities of the University, namely:—

(*a*) the Court,

(*b*) the Executive Council,

(*c*) the Academic Council,

(*d*) the Standing Committee of the Academic Council,

(*e*) the Finance Committee,

(*f*) the Faculties * *

(*g*) such other authorities as may be declared by the Statutes to be the authorities of the University.".

Substitution of new sections for sections 9 and 10.

10. For sections 9 and 10 of the principal Act, the following sections shall be substituted, namely:—

The Court.

"9. (*1*) The Court shall be the supreme authority of the University and shall have power to review the acts of the Executive Council and the Academic Council (save where those authorities have acted in accordance with the powers conferred upon them by this Act, the Statutes or the Ordinances):

Provided that the power of review under this sub-section shall not be exercised except by a majority of the total membership of the Court and by a majority of not less than two-thirds of the * * * members of the Court present and voting.

(*2*) The Court shall also have power to review, from time to time, the broad policies and programmes of the University and to suggest measures for the improvement of the affairs, and development, of the University and shall exercise all the powers of the University not otherwise provided for by this Act or the Statutes.

(*3*) Without prejudice to the provisions of sub-sections (*1*) and (*2*), the Court shall consider the annual report, the annual accounts and the auditor's reports, if any, thereon and the budget of the University for the next financial year * * * and communicate its views to the Executive Council.

* * * *

Meetings of Court.

9A. (*1*) An annual meeting of the Court shall be held on a date fixed by the Executive Council, unless some other date has been fixed by the Court, and at such annual meeting, a report of the proceedings of the Executive Council and a report of the working of the University during the previous year together with a

statement of the receipts and expenditure and the balance-sheet as audited and the budget for the next financial year shall be presented by the Executive Council; and any vacancies among the officers of the University or among the members of the Court or the Executive Council which ought to be filled up by the Court shall also be filled up.

(2) A copy each of the reports together with a copy of the statement of receipts and expenditure and of the balance-sheet and the budget referred to in sub-section (1) shall be sent to every member of the Court at least fifteen days before the date of the annual meeting and shall be open to inspection by members of the Court and the Academic Council at the office of the University during the year following such meeting at such reasonable hours and under such conditions as the Executive Council may determine.

(3) Special meetings of the Court may be convened by the Executive Council or the Vice-Chancellor or if there is no Vice-Chancellor, by the Rector or if there is no Rector, by the Registrar:

Provided that a special meeting of the Court shall also be convened if not less than thirty-three members make a requisition in writing in this behalf.

Executive Council.

10. (1) The Executive Council shall, subject to the control of the Court, be the executive body of the University and shall have charge of the management and administration of the revenue and property of the University and the conduct of all administrative affairs of the University not otherwise provided for.

(2) Subject to the provisions of this Act, the Executive Council shall exercise such other powers and perform such other duties as may be conferred or imposed on it by the Statutes or the Ordinances.".

Amendment of section 11.

11. In section 11 of the principal Act, the words "and discipline" shall be omitted.

Substitution of new sections for section 12A.

12. For section***12A of the principal Act, the following sections shall be substituted, namely:—

Other authorities.

"12A. Subject to the provisions of this Act, the functions, powers and duties of the other authorities of the University shall be provided for by the Statutes.

Disqualifications.

12B. (*1*) A person shall be disqualified for being chosen as, and for being, a member of any of the authorities of the University—

(*a*) if he is of unsound mind or is a deaf-mute or suffers from contagious leprosy;

(*b*) if he is an undischarged insolvent;

(*c*) if he has been convicted by a court of law of an offence involving moral turpitude and sentenced in respect thereof to imprisonment for not less than six months.

(*2*) If any question arises as to whether a person is or had been subjected to any of the disqualifications mentioned in sub-section (*1*), the question shall be referred for the decision of the Visitor and his decision shall be final, and no suit or other proceeding shall lie in any court of law against such decision.".

* * * * *

Amendment of section 13.

13. In section 13 of the principal Act, in sub-section (*2*), for the words "submitted to the Visitor", the words "submitted to the Court and to the Visitor" shall be substituted.

Amendment of section 14.

14. In section 14 of the principal Act,—

(*a*) in the main paragraph, for the words "fifty lakhs of rupees", the words "forty-five lakhs of rupees" shall be substituted;

(*b*) in the proviso,—

(*i*) in clause (*1*), for the figures "1886", the figures "1920" shall be substituted;

(*ii*) in clause (*2*),—

(*A*) for the words "the aforesaid sum of fifty lakhs shall be reduced by such sum as, at the commencement of this Act", the words, brackets and figures "the aforesaid sum of forty-five lakhs of rupees shall be reduced by such sum as, at the commencement of the Banaras Hindu University (Amendment) Act, 1965" shall be substituted;

(*B*) for the words "by any Indian Prince or Chief", the words "by any Ruler of any Indian State" shall be substituted.

Amendment of section 15.

15. In section 15 of the principal Act, after sub-section (*1*), the following sub-section shall be inserted, namely:—

"(*1A*) The University may also found and maintain (within or beyond the aforementioned limits) special centres and laboratories for research in Humanities, Science and Technology, Education, Medicine and other professional subjects and in other spheres of learning and knowledge.".

Amendment of section 16A.

16. In section 16A of the principal Act, for the word "servants", the word "employees" shall be substituted.

Insertion of new sections 16B to 16D.

17. After section 16A of the principal Act, the following sections shall be inserted, namely:—

Conditions of service of officers and teachers.

"16B. (*1*) Every salaried officer and teacher of the University shall be appointed under a written contract, which shall be lodged with the University and a copy of which shall be furnished to the officer or teacher concerned.

(*2*) Any dispute arising out of a contract between the University and any of its officers or teachers shall, at the request of the officer or teacher concerned or at the instance of the University, be referred to a Tribunal of Arbitration consisting of one member appointed by the Executive Council, one member nominated by the officer or the teacher concerned and an umpire appointed by the Visitor.

(*3*) The decision of the Tribunal of Arbitration shall be final and shall not be questioned in any court of law.

(*4*) No suit or proceeding shall lie in any court of law in respect of any matter which is required by sub-section (*2*) to be referred to the Tribunal of Arbitration.

(*5*) The Tribunal of Arbitration shall have power to regulate its own procedure.

(*6*) Nothing contained in any law for the time being in force relating to arbitration shall apply to arbitrations under this section.

16C. No act or proceedings of any authority or board or committee of the University shall be invalid merely by reason of— Proceedings not to be invalidated by vacancies, etc.

(*a*) any vacancy in, or defect in the constitution thereof, or

(*b*) any defect in the election, nomination or appointment of a person acting as a member thereof, or

(c) any irregularity in its procedure not affecting the merits of the case.

16D. No suit, prosecution or other legal proceeding shall lie against any officer, teacher or other employee of the University for anything which is in good faith done or intended to be done by him under this Act or the Statutes or the Ordinances or the Regulations.". Protection of action taken good faith.

* * * * * *

18. For section 17 of the principal Act, the following section shall be substituted, namely:— Substitution of new section for section 17.

"17. (*1*) Subject to the provisions of this Act, the Statutes may provide for all or any of the following matters, namely:— Statutes.

(*a*) the constitution of the Court and the constitution, powers and duties of the other authorities of the University other than the powers and duties provided for in this Act;

(*b*) the election and appointment of members of the authorities of the University, their continuance in office, the filling of vacancies of members thereof and all other matters relating to the authorities;

(*c*) the appointment, powers and duties of the officers of the University;

(*d*) the institution of degrees, diplomas, certificates and other academic distinctions;

(*e*) the conferment of honorary degrees;

(*f*) the holding of convocations to confer degrees;

(*g*) the establishment, reconstitution, amalgamation, division or abolition of faculties, departments, hostels, colleges and institutions;

(*h*) the withdrawal of degrees, diplomas, certificates and other academic distinctions;

(*i*) conditions under which colleges and institutions including High Schools may be admitted to the privileges of the University and the withdrawal of such privileges;

(*j*) the institution of fellowships, scholarships, studentships, medals and prizes;

(*k*) the registration of graduates and the maintenance of a register of registered graduates;

(*l*) the classification and the manner of appointment of teachers in the University and the colleges;

(*m*) the constitution of a pension or provident fund and the establishment of an insurance scheme for the benefit of the officers, teachers and other employees of the University;

(*n*) the meetings of the Court, the Executive Council, the Academic Council, the Standing Committee of the Academic Council, the Finance Committee or the Faculties, the quorum at such meetings and the procedure to be followed in the conduct of their business;

(*o*) the discipline of students;

(*p*) all other matters which are to be or may be provided for by the Statutes.

(2) The Statutes in force at the commencement of the Banaras Hindu University (Amendment) Act, 1965 shall be those set out in the Schedule to this Act.

(3) The Court may, from time to time make new or additional Statutes or may amend or repeal the Statutes in the manner hereinafter provided.

(4) The Executive Council may propose to the Court the draft of any Statute and such draft shall be considered by the Court at its next meeting:

Provided that the Executive Council shall not propose the draft of any Statute or of any amendment of a Statute affecting the status, powers or constitution of any existing authority of the University until such authority has been given an opportunity of expressing its opinion upon the proposal; and any opinion so expressed shall be in writing and shall be considered by the Court.

(5) The Court may approve any such draft as is referred to in sub-section (4) and pass the Statute or reject it or return it to the Executive Council for re-consideration, either in whole or in part, together with any amendments which the Court may suggest.

(6) Any member of the Court may propose to the Court the draft of any Statute, and the Court may either reject the proposal or refer such draft for consideration to the Executive Council which may either reject the proposal or submit the draft to the Court in such form as the Executive Council may approve.

(7) Every new Statute or addition to a Statute or any amendment or repeal of a Statute shall require the previous approval of the Visitor who may sanction or disallow it or remit it for further consideration.".

Amendment of section 18.

19. In section 18 of the principal Act,—

(*a*) in sub-section (*1*),—

(*i*) for clause (*c*), the following clause shall be substituted, namely:—

"(*c*) the qualifications for admission to courses of study for degrees, diplomas, certificates and other academic distinctions and to examinations of the University and the award of degrees, diplomas, certificates and other academic distinctions;";

(*ii*) in clause (*d*), for the words "and for admission to the examinations, degrees and diplomas of the University", the words "for admission to the examinations, degrees and diplomas of the University and for registration of graduates" shall be substituted;

(*iii*) after clause (*f*), the following clause shall be inserted, namely:—

"(*ff*) the remuneration and allowances to examiners, moderators and other persons engaged in the business of the University;";

(*iv*) in clause (*k*), for the word "teachers", the words "officers and teachers" shall be substituted;

(*v*) after clause (*l*), the following clause shall be inserted, namely:—

"(*ll*) the meetings of any board or committee that may be set up under this Act or the Statutes, the quorum at such meetings and the procedure to be followed in the conduct of their business;";

(*vi*) in clause (*m*), the word "and" at the end shall be omitted;

(*vii*) after clause (*m*), the following clause shall be inserted, namely:—

"(*mm*) the powers and duties of teachers and salaried officers and the powers which may be delegated to them;";

(*b*) in sub-section (*3*), for the proviso, the following proviso shall be substituted, namely:—

"Provided that no Ordinance shall be made—

(*a*) prescribing the examinations to be recognised as equivalent to the University examinations, or

(*b*) affecting the conditions, mode of appointment or duties of examiners or the conduct or standard of examinations or of any course of study,

unless a draft of such Ordinance has been proposed by the Academic Council.";

(*c*) for sub-sections (*5*) and (*6*), the following sub-sections shall be substituted, namely:—

"(*5*) Where the Executive Council has rejected the draft of an Ordinance proposed by the Academic Council, the Academic Council may, within two months of the date of such rejection, appeal to the Visitor and he may, by order, direct that the proposed Ordinance shall be laid before the next meeting of the Court for its approval and that pending such approval, it shall have effect from such date as may be specified in the order:

Provided that if the Ordinance is not approved by the Court at such meeting, it shall cease to have effect.

(*6*) All Ordinances made by the Executive Council shall be submitted, as soon as may be, to the Visitor and the

Court, and shall be considered by the Court at its next meeting; and the Court shall have power, by a resolution passed by a majority of not less than two-thirds of the members present and voting, to cancel any Ordinance made by the Executive Council, and any such Ordinance shall, from the date of such resolution, cease to have effect.";

(*d*) in sub-section (7), for the words "two months from the date of such order", the following shall be substituted, namely:—

"one month from the date of such order or on the expiration of fifteen days from the date of consideration of the Ordinance by the Court, whichever period expires later";

(*e*) after sub-section (7), the following sub-section shall be inserted, namely:—

"(*8*) The Visitor may, within three months after any Ordinance has been considered by the Court, signify to the Executive Council his disallowance of the Ordinance, and from the date of receipt by the Executive Council of intimation of such disallowance, the Ordinance shall cease to have effect.".

Amendment of section 19.

20. In section 19 of the principal Act, to sub-section (3), the following proviso shall be added, namely:—

"Provided that any authority of the University which is dissatisfied with any such direction may, within two months of the date of such direction, appeal to the Court, whose decision thereon shall be final.".

Substitution of new section for section 19A.

21. For section 19A of the principal Act, the following section shall be substituted, namely:—

Constitution of boards and committees.

"19A. Where any authority of the University is given power by this Act or by the Statutes to appoint boards or committees, such board or committee shall, unless there is some special provision to the contrary, consist of members of the authority concerned and of such other persons (if any) as the authority in each case may think fit.".

Power to remove difficulties.

22. If any difficulty arises with respect to the constitution of any authority, the appointment or election of any officer of the University or in connection with the first meeting of any authority of the University in accordance with the provisions of the principal Act as amended by this Act and of the Statutes set out in the Schedule, the Visitor may, by order, make any appointment or do anything which appears to him necessary or expedient for the proper constitution of any authority of the University or officer thereof or for the first meeting of any such authority of the University.

Transitional provisions.

23. (*1*) Every authority of the University shall as soon as may be after the commencement of this Act be constituted in accordance with the provisions of the principal Act as amended by this Act and of the Statutes set out in the Schedule and until any such authority is so constituted, the authority functioning immediately before such commencement shall continue to exercise all the powers and perform all the duties under the principal Act as so amended.

(*2*) The following officers, namely, the Chancellor, the Deans of the Faculties and the Chief Proctor shall, as soon as may be after the commencement of this Act, be elected or appointed in accordance with the provisions of the principal Act as amended by this Act and of the Statutes set out in the Schedule, and the persons holding any such office immediately before such commencement shall continue to hold that office until his successor enters upon his office.

(*3*) Notwithstanding anything contained in section 6 of the principal Act as substituted by this Act, the person holding immediately before the commencement of this Act the office of the Treasurer shall continue to hold that office until the Finance Officer is appointed in accordance with the provisions of the principal Act as amended by this Act and of the Statutes set out in the Schedule.

(*4*) The Vice-Chancellor and the Registrar holding office immediately before the commencement of this Act shall, on such commencement, vacate such office.

(*5*) Every officer of the University, other than those referred to in sub-sections (*2*), (*3*) and (*4*), holding office immediately before the commencement of this Act shall, on and from such commencement, hold his office by the same tenure and upon the same terms and conditions as he held it immediately before such commencement.

(*6*) Notwithstanding anything contained in the principal Act as amended by this Act or of the Statutes set out in the Schedule,

the Vice-Chancellor and the Registrar shall, immediately on the commencement of this Act, be appointed by the Visitor, and the Vice-Chancellor or the Registrar so appointed shall hold office until his successor is appointed and enters upon his office in accordance with the provisions of the principal Act as amended by this Act or of the Statutes set out in the Schedule.

THE SCHEDULE

[*See* section 17 (2)]

THE STATUTES OF THE UNIVERSITY

1. In these Statutes,— Definitions.

(*a*) "Act" means the Banaras Hindu University Act, 1915;

(*b*) all words and expressions used herein and defined in the Act shall have the meanings respectively assigned to them in the Act.

2. (*1*) The Rector shall be appointed by the Executive Council. Rector.

(*2*) The Rector shall be a whole-time salaried officer of the University.

(*3*) The Rector shall hold office for a term of five years from the date on which he enters upon his office and shall at the expiry of such term be eligible for re-appointment for a second term.

(*4*) The emoluments and other terms and conditions of service of the Rector shall be prescribed by the Ordinances.

(*5*) The Rector shall assist the Vice-Chancellor in all matters and shall also exercise such powers and perform such duties as may be delegated to him by the Vice-Chancellor.

(*6*) Where the Vice-Chancellor is the Chairman of any board or committee appointed under Statute 25 and he is absent for any reason whatsoever from any meeting of such board or committee, the Rector shall preside over such meeting.

(*7*) The Rector shall be entitled to be present at and to address any meeting of any authority or board or committee of the University but shall not be entitled to vote thereat unless he is a member of such authority or board or committee.

3. (*1*) The Registrar shall be appointed by the Executive Council on the recommendation of a Selection Committee constituted for the purpose and shall be a whole-time salaried officer. Registrar.

(*2*) When the office of the Registrar is vacant or when the Registrar is, by reason of illness or absence for any other cause,

unable to perform the duties of his office, the duties of the office shall be performed by such person as the Vice-Chancellor may appoint for the purpose.

(3) The Registrar shall be the *ex officio* Secretary of the Court, the Executive Council, the Academic Council, the Standing Committee of the Academic Council, the Selection Committees, the Finance Committee and the Faculties, but shall not be deemed to be a member of any of these authorities.

(4) The Registrar shall—

(*a*) be the custodian of the records, the common seal and such other properties of the University as the Executive Council shall commit to his charge;

(*b*) issue under the direction of the Vice-Chancellor all notices convening meetings of the Court, the Executive Council, the Academic Council, the Finance Committee, the Standing Committee of the Academic Council, the Selection Committees, the Faculties, the Boards of Studies, the Boards of Examiners, the Boards of Moderators and of the committees appointed by the authorities of the University;

(*c*) maintain the minutes of all meetings of the Court, the Executive Council, the Academic Council, the Standing Committee of the Academic Council, the Finance Committee, the Selection Committees, the Faculties, and of the committees appointed by the authorities of the University;

(*d*) conduct the official correspondence of the Court, the Executive Council, the Academic Council and the Standing Committee of the Academic Council;

(*e*) control the conduct of examinations and all other arrangements necessary therefor and the execution of all processes connected therewith;

(*f*) supply to the Visitor copies of the agenda of meetings of the authorities of the University as soon as they are issued and the minutes of the meetings of the authorities ordinarily within a month of the holding of the meetings;

(*g*) in an emergency, when neither the Vice-Chancellor nor the Rector is able to act, call a meeting of the Executive Council forthwith and take its directions for carrying on the work of the University;

(*h*) represent the University in suits or proceedings by or against the University, assign powers of attorney and verify pleadings or depute his representative for the purpose;

(*i*) perform such other duties as may be prescribed by these Statutes, the Ordinances and Regulations or as may be required, from time to time, by the Executive Council or the Vice-Chancellor.

(5) (*a*) The Registrar shall have power to take disciplinary action against the employees belonging to the ministerial, subordinate-executive and class IV services and to suspend them pending enquiry, administer warnings to them or impose on them the penalty of censure or the withholding of increment:

Provided that no such penalty shall be imposed until the employee has been given a reasonable opportunity of showing cause against the action proposed to be taken in regard to him.

(*b*) An appeal shall lie to the Vice-Chancellor against any order of the Registrar imposing the penalty of the withholding of increment.

(*c*) In a case where the enquiry discloses that a punishment beyond the powers of the Registrar is called for, the Registrar shall, upon conclusion of the enquiry, make a report to the Vice-Chancellor along with his recommendations, and the decision of the Vice-Chancellor thereon shall be final:

Provided that an appeal shall lie to the Executive Council against the order of the Vice-Chancellor imposing the penalty of dismissal.

Finance Officer.

4. (*1*) The Finance Officer shall be appointed by the Executive Council on the recommendation of a Selection Committee constituted for the purpose and shall be a whole-time salaried officer.

(*2*) When the office of the Finance Officer is vacant or when the Finance Officer is, by reason of illness or absence for any other cause, unable to perform the duties of his office, the duties of the office shall be performed by such person as the Vice-Chancellor may appoint for the purpose.

(*3*) The Finance Officer shall—

(*a*) exercise general supervision over the funds of the University and shall advise it as regards its financial policy; and

(*b*) perform such other financial functions as may be assigned to him by the Executive Council or as may be prescribed by these Statutes or the Ordinances:

Provided that the Finance Officer shall not incur any expenditure or make any investment exceeding Rs. 10,000 without the previous approval of the Executive Council.

(4) Subject to the control of the Executive Council, the Finance Officer shall—

(a) hold and manage the property and investments including trust and endowed property for furthering any of the objects of the University;

(b) see that the limits fixed by the Finance Committee for recurring and non-recurring expenditure for a year are not exceeded and that all moneys are expended on the purposes for which they are granted or allotted;

(c) be responsible for the preparation of annual accounts and the budget of the University for the next financial year and for their presentation to the Executive Council;

(d) keep a constant watch on the state of the cash and bank balances and on the state of investments;

(e) watch the progress of collection of revenue and advise on the methods of collection employed;

(f) have the accounts of the University regularly audited by an internal audit party;

(g) see that the registers of buildings, land and equipment are maintained up-to-date and that the stock-checking is conducted of equipments and other consumable materials in all offices and colleges, and in the Public Works Department and Workshop stores;

(h) call for explanation for unauthorised expenditure and for other financial irregularities and suggest disciplinary action against the persons at fault;

(i) call for from any office or institution under the University any information or returns that he may consider necessary to discharge his financial responsibilities.

(5) The receipt of the Finance Officer or of the person or persons duly authorised in this behalf by the Executive Council for any money payable to the University shall be sufficient discharge for the same.

Librarian.

5 (1) The Librarian shall be a whole-time salaried officer appointed by the Executive Council on the recommendation of a Selection Committee appointed by it and shall possess such qualifications as may be prescribed by the Executive Council.

(2) When the office of Librarian is vacant or when the Librarian is, by reason of illness or absence for any other cause, unable to per-

form the duties of his office, the duties of the office shall be performed by such person as the Executive Council may appoint for the purpose.

(3) The duties and powers of the Librarian shall be regulated by the Ordinances.

Dean of Students.

6. (1) The Dean of Students shall be appointed, from amongst employees of the University who are or who have been teachers of the University not below the rank of Reader, by the Executive Council on the recommendation of the Vice-Chancellor; the Dean shall be a whole-time employee of the University, shall hold office for a term of three years and shall be eligible for re-appointment.

(2) The person who is appointed as the Dean of Students shall continue to hold his lien on his substantive post and shall continue to subscribe to the University Provident Fund.

(3) When the office of the Dean of Students is vacant or when the Dean of Students is, by reason of illness or absence for any other cause, unable to perform the duties of his office, the duties of the office shall be performed by such person as the Vice-Chancellor may appoint for the purpose.

(4) The duties and powers of the Dean of Students shall be regulated by the Ordinances.

Chief Proctor.

7. (1) The Chief Proctor shall be a person not below the rank of Reader of the University, shall be appointed by the Executive Council from amongst the teachers of the University on the recommendation of the Vice-Chancellor and shall exercise such powers and perform such duties as may be assigned to him by the Vice-Chancellor.

(2) The Chief Proctor shall hold office for a term of two years and shall be eligible for re-appointment for a second term.

(3) When the office of Chief Proctor is vacant or when the Chief Proctor is, by reason of illness or absence for any other cause, unable to perform the duties of his office, the duties of the office shall be performed by such person as the Vice-Chancellor may appoint for the purpose.

Deans of Faculties.

8. (1) There shall be a Dean for each Faculty; the head of each of the Departments within the Faculty, who is a Professor, shall, by rotation according to seniority, act as the Dean of the Faculty for a period of two years:

Provided that, in any Faculty,—

(i) if there is no Professor, the senior-most Reader shall act as the Dean, and

(*ii*) if there is no Professor or Reader, the Vice-Chancellor * * * shall act as the Dean.

(*2*) The Dean shall be the Chairman of the Faculty and shall be responsible for the due observance of these Statutes, the Ordinances and the Regulations relating to the Faculty.

(*3*) The Dean shall be responsible for the organisation and conduct of teaching and research work in the Departments comprised in the Faculty.

(*4*) The Dean shall exercise such other powers and perform such other functions and duties as may be assigned to him by the Executive Council or the Vice-Chancellor.

The Court. 9. (*1*) The Court shall consist of the following members, namely:—

A. *Ex officio Members*:

(*i*) The Chancellor	1
* * *	*
(*ii*) The Vice-Chancellor	1
(*iii*) The Rector	1
(*iv*) The remaining members of the Executive Council who are not otherwise members of the Court	*
(*v*) The Finance Officer	1
(*vi*) The Librarian	1
(*vii*) The Dean of Students	1
(*viii*) The Chief Proctor	1

B. *Representatives of Departments and Colleges*:

(*ix*) All Deans of Faculties	*
(*x*) Heads of Teaching Departments who are not Deans, by rotation according to seniority as indicated below:	*
From the Faculty of Arts	2
From the Faculty of Science	2
From the Faculty of Technology	1
From the Faculty of Engineering	1
From the Faculty of Oriental Learning and Theology	1
From the Faculty of Medical Sciences	1
From the Faculty of Music and Fine Arts	1
From the Faculty of Education***	1
From the Faculty of Agriculture	1
From the Faculty of Commerce	1

C. *Representatives of Professors and Principals*:

(*xi*) Professors who are not Heads of Departments, by rotation according to seniority	1
(*xii*) The Principal, Women's College, and if there are two or more Women's Colleges, the Principals, by rotation according to seniority	1
* * * * *	
The Principal, College of Medical Sciences	1
(*xiii*) Principals of colleges admitted to the privileges of the University by rotation according to seniority	1

D. *Representatives of Teachers other than Professors*:

(*xiv*) Two Readers by rotation according to seniority	2
(*xv*) Two Lecturers by rotation according to seniority	2

E. *Representatives of registered graduates*:

(*xvi*) Twenty representatives none of whom shall be a member or an employee of the University, to be elected by the registered graduates from amongst themselves through the system of proportional representation by means of the single transferable vote	20

F. *Representatives of registered donors*: * * *

(*xvii*) Ten representatives to be elected by the registered donors from amongst themselves through the system of proportional representation by means of the single transferable vote	10

G. *Representatives of Parliament*:

(*xviii*) Six representatives of Parliament, four to be elected by the Lok Sabha in such manner as the Speaker may direct and two to be elected by the Rajya Sabha in such manner as the Chairman may direct	6

H. *Persons representing Learned Professions, Industry, ***Commerce and Agriculture*:

(*xix*) Five persons representing learned professions, to be nominated by the Visitor 5

(*xx*) Five persons representing Industry, * * * Commerce and Agriculture to be nominated by the Visitor 5

I. *Other nominated Members*:

(*xxi*) Not more than five persons, to be nominated by the Visitor 5

(*xxii*) One person to be nominated by the Governor of Uttar Pradesh 1

(*xxiii*) One person to be nominated by the Chancellor 1:

Provided that in making nominations under items (*xix*), (*xx*), (*xxi*) and (*xxiii*) due regard shall be had to the representation of the different interests, professions, cultures and learning and also of the different regions of the country:

Provided further that no employee of the University shall be eligible to be a member under any of the items *** (*xvii*), (*xviii*), (*xix*), (*xx*), (*xxi*), (*xxii*) and (*xxiii*).

(*2*) When an elected member of the Court becomes an *ex officio* member before the expiry of his term, he shall cease to be an elected member.

(*3*) Save as otherwise expressly provided, a member of the Court shall hold office for a term of three years.

Notice of meeting.

10. Notice of meetings of the Court shall be issued by the Secretary at least thirty days before the date of the meeting with an agenda paper, and no business which does not arise out of matters noted or mentioned in the agenda paper shall be considered unless the consent of at least two-thirds of the members of the Court present at the meeting be obtained thereto.

Notice of proposals or amendments.

11. Every member who intends to bring forward any special business at a meeting of the Court or to propose any person for election as Chancellor*** shall give notice of such business or of the name of the person to be proposed, to the Secretary at least twenty days before the date appointed for such meeting; and every member who intends to propose an amendment shall give notice thereof to the Secretary ten days before the date fixed for the meeting.

Notice of special meeting

12. A notice of twenty-one days of any special meeting of the Court stating generally the nature of the business to be transacted shall be sent to each member of the Court, and no such meeting shall be competent to transact any business other than that mentioned in the notice or directly arising out of it; any member desiring to send a proposal relating to the nature of the business specified in the notice shall send such proposal to the Secretary so as to reach him at least ten days before the date of the meeting.

The Executive Council.

13. (*1*) The Executive Council shall consist of the following members, namely:—

(*i*) The Vice-Chancellor	1
* * *	*
(*ii*) Four Deans, two from each of the following two groups, by rotation according to seniority	4

Group I

(*a*) Faculty of Arts,

(*b*) Faculty of Oriental Learning and Theology, * * *

(*c*) Faculty of Education,

(*d*) Faculty of Law,

(*e*) Faculty of Music and Fine Arts,

(*f*) Faculty of Commerce.

Group II

(*a*) Faculty of Science,

(*b*) Faculty of Technology, * * *

(*c*) Faculty of Agriculture,

(*d*) Faculty of Engineering,

* * * * * *

(*e*) Faculty of Medical Sciences.

(*iii*) One Professor not being Dean or Principal by rotation according to seniority	1
* * * * *	
(*iv*) The Principal, Women's College, and if there are two or more Women's Colleges, the Principals by rotation according to seniority	1
(*v*) Principals of colleges admitted to the privileges of the University by rotation according to seniority	1

(*vi*) Five persons, none of whom shall be an employee of the University, elected by the Court from amongst its members, through the system of proportional representation by means of the single transferable vote	5
(*vii*) Three persons nominated by the Visitor	3
* * * * *	
(*viii*) One person nominated by the Chancellor	1
TOTAL	17:

Provided that no employee of the University shall be eligible to be a member under any of the items (*vii*) and (*viii*).

(2) Members of the Executive Council referred to in items (*ii*) to (*v*) shall hold office for a term of two years and those referred to in items (*vi*) to (*viii*) shall hold office for a term of three years.

(3) Seven members of the Executive Council shall form the quorum.

(4) The Registrar shall be the *ex officio* Secretary of the Executive Council without any right of participation in the discussion or voting.

(5) When an elected member of the Executive Council becomes also an *ex officio* member, he shall cease to be an elected member.

Powers of the Executive Council.

14. Subject to the provisions of the Act, these Statutes and the Ordinances, the Executive Council shall, in addition to any other powers vested in it, have the following powers, namely:—

(*i*) to appoint, from time to time, such Professors, Readers, Lecturers and other members of the teaching staff as may be necessary, on the recommendation of the Selection Committee constituted for the purpose, and to provide for filling temporary vacancies therein;

(*ii*) to fix the emoluments and define the duties and conditions of service of Professors, Readers, Lecturers and other members of the teaching staff:

Provided that no action shall be taken by the Executive Council in respect of the number, the qualifications and the emoluments of teachers otherwise than after consideration of the recommendation of the Academic Council;

(*iii*) to appoint the Registrar, the Dean of Students, the Chief Proctor, the Librarian and other salaried officers and staff

of the University and to fix their emoluments and define their duties and conditions of service;

(*iv*) to manage and regulate the finances, accounts, investments, property, business and all other administrative affairs of the University and, for that purpose, to appoint such agents as it may think fit;

(*v*) to invest any money belonging to the University, including any unapplied income, in such stocks, funds, shares or securities, as it shall, from time to time, think fit, or in the purchase of immovable property in India, with the like powers of varying such investments from time to time;

(*vi*) (*a*) to accept on behalf of the University any trust, bequest, donation or transfer of any movable or immovable property to the University; and

(*b*) to transfer any movable or immovable property on behalf of the University;

(*vii*) to provide the buildings, premises, furniture, apparatus, and other means needed for carrying on the work of the University;

(*viii*) to enter into, vary, carry out and cancel contracts on behalf of the University;

(*ix*) to entertain, adjudicate upon, and if it thinks fit, to redress, any grievances of the salaried officers of the University, the teaching staff and the University servants who may for any reason feel aggrieved:

Provided that, in matters of discipline and punishment, where the final power has been vested in the Vice-Chancellor or any other officer of the University, no appeal shall lie to the Executive Council;

(*x*) to appoint examiners and moderators and if necessary, to remove them, and to fix their fees, emoluments and travelling and other allowances after considering the recommendations of the Standing Committee of the Academic Council;

(*xi*) to maintain registers of registered graduates and of registered donors to the University;

(*xii*) to select a common seal for the University, and provide for the custody and use of the seal;

(*xiii*) to manage Departments, Institutions of Research or Specialised Studies, Special Centres, Laboratories, Museums and Hostels managed by the University;

(*xiv*) to arrange for and direct the inspection of Colleges, Departments, Institutions, Special Centres and Hostels and to issue instructions for maintaining their efficiency and ensuring proper conditions of employment for members of their staff;

(*xv*) to make arrangements, from time to time, for periodical assessment of the work of the teachers of the University;

(*xvi*) to institute *** fellowships including travelling fellowships, scholarships, studentships, medals and prizes;

* * * * * *

(*xvii*) to direct the conduct of examinations in conformity with the Ordinances and the publication of the results thereof;

(*xviii*) to delegate any of its powers to the Vice-Chancellor, * * * the Registrar or such other officer of the University or to a Committee appointed by it as it may deem fit.

Contracts.

15. The Executive Council shall, from time to time, appoint such person or persons as it may think proper, either by virtue of office or by name, to enter into, execute and sign contracts for and on behalf of the University, and to present them for registration according to the law in force for the time being.

Academic Council.

16. (*1*) The Academic Council shall consist of the following members, namely:—

(*i*) The Vice-Chancellor.

* * *

(*ii*) The Deans of Faculties.

(*iii*) The Heads of Teaching Departments.

(*iv*) All Professors who are not Heads of Teaching Departments.

(*v*) The Librarian.

(*vi*) The Dean of Students.

(*vii*) The Chief Proctor.

(*viii*) Two Readers and four Lecturers by rotation according to seniority.

(*ix*) The Principal, Women's College, and if there are two or more Women's Colleges, the Principals.

(*x*) All Principals of colleges admitted to the privileges of the University.

(*xi*) Not more than five persons, not being employees of the University, co-opted by the Academic Council for their specialised knowledge.

(*2*) All members of the Academic Council, other than *ex-officio* members, shall hold office for a term of three years:

Provided that a member co-opted in his capacity as a member of a particular board or committee or as the holder of a particular post shall hold office so long only as he continues to be a member of that board or committee or the holder of that post.

(3) Twenty-five members of the Academic Council shall form the quorum.

Powers, duties and functions of the Academic Council.

17. Subject to the provisions of the Act, the Academic Council shall, in addition to all other powers vested in it, have the following powers, duties and functions, namely:—

(*i*) to report on any matter referred to it by the Court or the Executive Council;

(*ii*) to make recommendations to the Executive Council with regard to the creation and abolition of teaching posts in the University and the colleges, and the classification of the said posts and the emoluments and duties attaching thereto;

(*iii*) to formulate, modify or revise schemes for the organisation of, and assignment of subjects to, Faculties and to report to the Executive Council as to the expediency of the abolition, reconstitution or division of any Faculty or the amalgamation of one or more Faculties;

(*iv*) to promote research within the University and to require, from time to time, reports on such research;

(*v*) to consider proposals submitted by the Faculties;

(*vi*) to recognise diplomas and degrees of other Universities and institutions and to determine their equivalent diplomas and degrees of the Banaras Hindu University;

(*vii*) to make special arrangements, if any, for the teaching of women students and for prescribing for them special courses of study, after consulting the Advisory Board of Women's Education;

(*viii*) to make such arrangements for the instruction and examination of persons, not being members of the University, as may be necessary;

* * * * * *

(*ix*) to recommend to the Executive Council the rates of fees and charges;

(*x*) to make proposals to the Executive Council for the establishment of Colleges, Departments, Institutions of Research and Specialised Studies, Special Centres, Libraries, Laboratories and Museums;

(*xi*) to make proposals to the Executive Council for the institution of fellowships, travelling fellowships, scholarships, studentships, medals and prizes;

(*xii*) to recommend to the Executive Council draft Ordinances regarding examinations of the University and the conditions on which students should be admitted to such examinations and the working, maintenance and use of the University Library;

(*xiii*) to maintain proper standards of examination;

(*xiv*) to perform, in relation to academic matters, all such duties and to do all such acts as may be necessary for the proper carrying out of the provisions of the Act, these Statutes and the Ordinances.

The Standing Committee of the Academic Council.

18. (*1*) The Standing Committee of the Academic Council shall be the executive body of the Academic Council and shall consist of the following members:—

(*i*) The Vice-Chancellor.

(*ii*) The Deans of Faculties.

(*iii*) The Principal, Women's College, and if there are two or more Women's Colleges, one Principal by rotation according to seniority.

(*iv*) One Principal of the Colleges admitted to the privileges of the University, by rotation according to seniority.

(*v*) The Dean of Students.

(2) Seven members of the Standing Committee of the Academic Council shall form a quorum.

Duties of the Standing Committee of the Academic Council.

19. The duties of the Standing Committee of the Academic Council shall be, subjected to the revision and control of the Academic Council—

(*i*) to fix, subject to any conditions accepted by the Executive Council, the time, mode and conditions of competition for fellowships, scholarships and other prizes and to award the same;

(*ii*) to conduct examinations in conformity with the Ordinances and to fix dates for holding them;

(*iii*) to declare the results of the various University examinations, or to appoint committees or officers to do so, and to make recommendations to the Academic Council regarding the conferment or grant of degrees, honours, diplomas, certificates, titles and marks of honour;

(*iv*) to award stipends, scholarships, medals, prizes and to make awards in accordance with the Ordinances and such other conditions as may be attached to the awards;

(*v*) to make recommendations to the Executive Council in regard to the appointment of examiners, and if necessary, their removal and the fixation of their fees, emoluments and the travelling and other allowances and the appointment of Boards of Examiners and Moderators;

(*vi*) to appoint, whenever necessary, Inspectors or Boards of Inspectors for inspecting colleges and institutions applying for admission to the privileges of the University;

(*vii*) to publish lists of prescribed or recommended textbooks and to publish syllabuses of the prescribed courses of study;

(*viii*) to prepare such forms and registers as are, from time to time, prescribed by the Ordinances;

(*ix*) to appoint committees for admission to the University; and

(*x*) to perform all such duties and to do all such acts, as may be necessary for the carrying out of the decisions and

directions of the Academic Council and to perform all such functions as may be delegated to it by the Academic Council under the Act, the Statutes or the Ordinances.

Finance Committee

20. (*1*) The Finance Committee shall consist of the following members, namely:—

(*i*) The Vice-Chancellor;

* * * *

(*ii*) Two persons nominated by the Visitor;

(*iii*) Two persons, who are not employees of the University, one elected by the Court and one nominated by the Executive Council;

(*iv*) The Finance Officer.

(*2*) Three members of the Finance Committee shall form the quorum.

(*3*) All members of the Finance Committee, other than *ex officio* members, shall hold office for a term of three years.

(*4*) The Vice-Chancellor shall preside at meetings of the Finance Committee.

(*5*) A member of the Finance Committee shall have the right to record a minute of dissent if he dissents from the other members.

(*6*) The Finance Committee shall meet at least twice every year to examine accounts and to scrutinise proposals for expenditure.

(*7*) The annual accounts and the budget of the University for the next financial year prepared by the Finance Officer shall be laid before the Finance Committee for consideration and comments and thereafter submitted to the Executive Council for approval with or without amendments.

(*8*) The Finance Committee shall fix limits for the total recurring expenditure and the total non-recurring expenditure for the year, based on the income and resources of the University which, in the case of productive works, may include the proceeds of loans; no expenditure shall be incurred by the University in excess of the limits so fixed.

Faculties.

21. The University shall include the Faculties of—

(*i*) Oriental Learning and Theology,

(*ii*) Arts,

(*iii*) Science,

(*iv*) Law,

(*v*) Technology,

(*vi*) Medical Sciences,

(*vii*) Agriculture,

(*viii*) Education, * * *

(*ix*) Music and Fine Arts,

(*x*) Engineering,

(*xi*) Commerce.

22. (*1*) Each Faculty shall consist of the following members, namely:— Constitution of Faculties.

(*i*) the Dean of the Faculty who shall be the Chairman;

(*ii*) the Heads of Departments of Studies in the Faculty;

(*iii*) all Professors in the Faculty;

(*iv*) one Reader and one Lecturer, by rotation according to seniority, from each Department in the Faculty;

(*v*) one teacher, by rotation according to seniority, from the Women's Colleges:

Provided that the college provides instruction in any of the subjects assigned to the Faculty;

(*vi*) persons not connected with the University having special knowledge of the subject or subjects concerned, nominated by the Academic Council, one for each Department of the Faculty, provided that the number of members to be nominated to each of the Faculties of Law, Agriculture, Education and Music and Fine Arts under this sub-clause, shall be five.

(*2*) The term of office of a member nominated under sub-clause (*vi*) of clause (*1*) shall be three years from the date of his nomination.

23. (*1*) The Faculties shall have such powers and shall perform such duties as may be assigned to them by these Statutes and the Ordinances and shall, from time to time, appoint such and so many Boards of Studies in different branches of knowledge as may be prescribed by the Ordinances. Powers of the Faculties.

(*2*) The Faculties shall also consider and make such recommendations to the Academic Council on any question pertaining to their

respective spheres of work as may appear to them necessary or on any matter referred to them by the Academic Council.

Departments of Faculties.

24. (*1*) The Departments of Studies in existence in the University at the commencement of the Banaras Hindu University (Amendment) Act, 1965 and the Faculties relating thereto are set out in the Annexure to this Schedule.

(*2*) No Department shall be established, reconstituted, amalgamated with another, or divided or abolished except in accordance with the provisions of these Statutes.

(*3*) Each Department shall consist of the following members, namely:—

(*i*) Teachers of the Department;

(*ii*) Persons conducting research in the Departments;

(*iii*) Dean of the Faculty or Deans of the Faculties concerned;

(*iv*) Honorary Professors, if any, attached to the Department;

(*v*) Such other persons as may be members of the Department in accordance with the provisions of the Ordinances.

(*4*) Each Department shall have a Head who may be a University Professor or, if there is no Professor, a Reader, and whose duties, functions and terms and conditions of appointment shall be laid down by the Ordinances:

Provided that, if there are two or more Professors or Readers in any Department, no person shall be appointed to be the Head of the Department otherwise than in accordance with the provisions made in respect thereof by the Ordinances:

Provided further that, if there is no Professor or Reader in a Department, the Dean of the Faculty concerned shall act as the Head of the Department.

Boards and committees.

25. The Court, the Executive Council, the Academic Council or any Faculty may appoint boards or committees consisting of members of the authority making such appointment and such other persons (if any) as that authority in each case may think fit; and any

such board or committee may deal with any subject assigned to it subject to subsequent confirmation by the authority which appointed it.

Selection Committees.

26. (1) (a) There shall be Selection Committees for making recommendations to the Executive Council for appointment to the posts of Professors, Readers, Lecturers, Registrar, Finance Officer and Librarian.

(b) Every Selection Committee shall consist of the Vice-Chancellor who shall be the Chairman thereof * * * * * * and a person nominated by the Visitor; and, in addition, the Selection Committee for making recommendations for appointment to a post specified in column (1) of the Table below shall have as its members the persons specified in the corresponding entry in column (2) of the said Table.

TABLE

(1)	(2)
Professer	(1) The Dean of the Faculty concerned; (2) The Head of the Department concerned, if he is a Professor, and (3) Three persons not connected with the University who have special knowledge of the subject with which the person to be appointed will be concerned, to be nominated by the Executive Council.
Reader, Recturer	(1) The Dean of the Faculty concerned; (2) The Head of the Department concerned, if he is a Professor ; and (3) Two persons not connected with the University who have special knowledge of the subject with which the person to be appoint ed will be concerned, to be nominated by the Executive Council.
Registrar Finance Officer	Three members of the Executive Council nominated by it.
Librarian	Three persons not connected with the University who have special knowledge of the subject of Library Science to be nominated by the Executive Council.

(2) The procedure to be followed by a Selection Committee in making recommendations shall be laid down in the Ordinances.

(3) If the Executive Council is unable to accept any recommendation made by the Selection Committee, it shall record its reasons and submit the case to the Visitor for orders.

Elected Chairman to preside where no provision made in Statutes.

27. Where, by these Statutes, no provision is made for the President or Chairman to preside over a meeting of any University authority, board or committee, or when the President or Chairman so provided for is absent, the members present shall elect one among themselves to preside at the meeting.

Re-appointment and re-election.

28. Save as otherwise provided in the Act, these Statutes or the Ordinances, every officer of the University and every member of any University authority whose term of office or of membership has expired shall be eligible for re-appointment or re-election, as the case may be.

Resignation.

29. (*1*) Any member other than an *ex officio* member of the Court, the Executive Council, the Academic Council or any other University authority may resign his membership by letter addressed to the Registrar, and the resignation shall take effect as soon as such letter is received by the Registrar.

(*2*) An Officer of the University (whether salaried or otherwise), other than a Dean, may resign his office by letter addressed to the Registrar:

Provided that such resignation shall take effect only on the date from which the same is accepted by the authority competent to appoint such officer.

Removal of teachers.

30. (*a*) Where there is an allegation of misconduct against a teacher, the Vice-Chancellor may, if he thinks fit, by order in writing, place the teacher under suspension and shall forthwith report to the Executive Council the circumstances in which the order was made:

Provided that the Executive Council may, if it is of the opinion, that the circumstances of the case do not warrant the suspension of the teacher, revoke that order.

(*b*) Notwithstanding anything contained in the terms of his contract of service or of his appointment, the Executive Council shall be entitled to remove a teacher on the ground of misconduct.

(*c*) Save as aforesaid, the Executive Council shall not be entitled to remove a teacher except for good cause and after giving three

months' notice in writing or payment of three months' salary in lieu of notice.

(*d*) No teacher shall be removed under clause (*b*) or under clause (*c*) until he has been given a reasonable opportunity of showing cause against the action proposed to be taken in regard to him.

(*e*) The removal of a teacher shall require a two-thirds majority of the members of the Executive Council present and voting.

(*f*) The removal of a teacher shall take effect from the date on which the order of removal is made:

Provided that where a teacher is under suspension at the time of his removal, the removal shall take effect on the date on which he was placed under suspension.

(*g*) Notwithstanding anything contained in these Statutes, the teacher shall be entitled to resign by giving three months' notice in writing to the Executive Council.

Removal of employees other than teachers.

31. (*1*) Notwithstanding anything contained in the terms of his contract of service or of his appointment, an employee of the University, other than a teacher, may be removed by the authority which is competent to appoint the employee—

(*a*) if he is of unsound mind or is a deaf-mute or suffers from contagious leprosy;

(*b*) if he is an undischarged insolvent;

(*c*) if he has been convicted by a court of law of an offence involving moral turpitude and sentenced in respect thereof to imprisonment for not less than six months;

(*d*) if he is otherwise guilty of misconduct.

(*2*) No such employee shall be removed under clause (*1*) until he has been given a reasonable opportunity of showing cause against the action proposed to be taken in regard to him.

(*3*) Where the removal of such employee is for a reason other than that specified in sub-clause (*c*) or sub-clause (*d*) of clause (*1*), he shall be given three months' notice in writing or paid three months' salary in lieu of notice

(4) Notwithstanding anything contained in the Statutes, an employee of the University, not being a teacher, shall be entitled to resign,—

(*i*) in the case of a permanent employee, only after giving three months' notice in writing to the appointing authority or paying to the University three months' salary in lieu thereof;

(*ii*) in any other case, only after giving one month's notice in writing to the appointing authority or paying to the University one month's salary in lieu thereof.

Seniority.

32. (*1*) Whenever, in accordance with these Statutes, any person is to hold any office or be a member of any authority of the University by rotation according to seniority, such seniority as between two persons holding permanent posts of similar rank or grade shall be determined in accordance with the length of continuous permanent service in such rank or grade and in the case of two persons in temporary service in similar rank or grade, seniority shall be determined in accordance with the length of continuous temporary service in such rank or grade; between a permanent employee and a temporary employee in the same rank or grade, the permanent employee shall be senior.

(*2*) It shall be the duty of the Registrar to prepare and maintain in respect of each class of persons to whom the provisions of this Statute apply, a complete and up-to-date seniority list in accordance with the provisions of the foregoing clause.

(*3*) If two or more persons have equal length of continuous service in a particular grade or post, or the relative seniority of any person or persons is otherwise in doubt, the Registrar may, on his own motion, and shall, at the request of any such person, submit the matter to the Executive Council whose decision thereon shall be final.

Tenure of office.

33. Notwithstanding anything contained in these Statutes, a person who holds any office in the University or is a member of any authority or board or committee of the University in his capacity as a member of any other authority or board or committee, or as the holder of any appointment, shall hold the office or be a member of the authority or board or committee of the University so long only as he continues to be a member of that other authority or board or committee, or the holder of that particular appointment, as the case may be.

Filling of casual vacancies.

34. All casual vacancies in the office of member (other than an *ex officio* member) of any authority or board or committee of the University shall be filled, as soon as conveniently may be, by the officer or authority or board or committee who has power to appoint, elect or co-opt the member whose place has become vacant, and the person so appointed, elected or co-opted in a casual vacancy shall be a member of such authority or board or committee for the residue of the term for which the person whose place he fills would have been a member.

Admission of Colleges, etc., to the privileges of the University.

35. (*1*) Colleges and other institutions within a radius of fifteen miles from the main temple of the University may be admitted to such privileges of the University as the Executive Council may decide on the following conditions, namely:—

(*i*) every such college or institution shall have a Managing Body constituted in accordance with the rules relating to the society or association establishing the college or institution consisting of—

(*a*) two persons nominated by the University;

(*b*) the Principal;

(*c*) two teachers to be nominated in accordance with the Ordinances;

(*d*) such number of other persons as may be specified in the rules:

Provided that the previous approval of the Executive Council is obtained for the appointment of every such other person;

(*ii*) every such college or institution shall satisfy the Executive Council on the following points—

(*a*) the suitability and adequacy of its accommodation and equipment for teaching,

(*b*) the qualifications and adequacy of its teaching staff and the conditions of their service,

(*c*) the arrangements for the residence, welfare, discipline and supervision of its students, and

(*d*) such other matters as are essential for the maintenance of the standards of University education; and

(*iii*) no college or institution shall be admitted to any privileges of the University except on the recommendation of the Academic Council made after considering the report of a Committee of Inspection appointed for the purpose by the Standing Committee of the Academic Council.

(2) Every appointment of a teacher in such college or institution shall be made on the recommendation of a Selection Committee which shall consist of—

(*a*) the Principal, unless the post to be filled is that of the Principal;

(*b*) one representative of the University nominated by the Executive Council;

(*c*) two persons nominated by the Managing Body;

(*d*) two persons not connected with the college or institution who have special knowledge of the subject with which the person to be appointed will be concerned to be nominated by the Executive Council.

(3) Every such college or institution shall be inspected at least once every year by a Committee appointed by the Standing Committee of the Academic Council, and the report of that Committee shall be submitted to the Standing Committee of the Academic Council which shall forward the same to the Executive Council with such recommendations as it may deem fit to make. The Executive Council, after considering the report and the recommendations, if any, of the Standing Committee of the Academic Council, shall forward a copy of the report to the Managing Body of the college or institution with such remarks, if any, as it may deem fit, for suitable action.

(4) The Executive Council may, after consulting the Academic Council, withdraw any privileges granted to a college or institution if at any time it considers that the college or institution is not fulfilling the requisite conditions:

Provided that no such privileges shall be withdrawn until the Managing Body of the college or the institution, as the case may be, has been given a reasonable opportunity of showing cause against the action proposed to be taken in regard to the college or the institution.

(5) Subject to the conditions set forth above, the Ordinances may prescribe any other conditions which may be considered necessary and also the procedure for the admission of colleges and institutions to the privileges of the University and for the withdrawal of those privileges.

Registered graduates.

36. (*1*) Every graduate of the University of not less than three years' standing shall be entitled to be registered and to have his name entered in the register of registered graduates, the period of three years being computed from the date of conferment of the first degree by the University on the person concerned.

(*2*) Every person who intends to become a registered graduate shall make an application to the Registrar in such form and on payment of such fee as may be prescribed by the Ordinances.

(*3*) If any question arises as to whether a person is entitled to have his name entered in the Register of Registered Graduates, it shall be decided by the Vice-Chancellor whose decision thereon shall be final.

(*4*) The names of all graduates which have been entered in the register of registered graduates immediately before the commencement of the Banaras Hindu University (Amendment) Act, 1965 shall be included in the register of registered graduates maintained under this Statute.

(*5*) No registered graduate shall be entitled to vote at, or stand as candidate for, an election to the Court from among the registered graduates unless his name has been entered in the register of registered graduates for at least one year prior to the date of the election.

Registered donors.

37. (*1*) Every person who has made a donation of one thousand rupees or more or has transferred property of the like value to the University shall be entitled to be registered and to have his name entered in the register of registered donors.

(*2*) The names of all donors who have made such donation or have transferred such property immediately before the commencement of the Banaras Hindu University (Amendment) Act, 1965 shall be included in the register of registered donors maintained under this Statute.

Honorary Degrees.

38. (*1*) The Degree of Doctor of Letters (D. Litt.), or Mahamahopadhyaya, *Honoris Causa*, shall be conferred upon such persons as have contributed substantially to the advancement of Literature, Philosophy, Art, Music, Painting or any other subject assigned to the Faculty of Arts, or for conspicuous service rendered by them to the cause of education.

(*2*) The Degree of Doctor of Science (D.Sc.) *Honoris Causa* shall be conferred upon such persons as have contributed substantially to the advancement of any branch of science or technology or to planning, organising or developing scientific and technological institutions in the country.

(3) The Degree of Doctor of Laws (LL.D) *Honoris Causa* shall be conferred upon persons, who are distinguished lawyers, judges or jurists, statesmen or have made noteworthy contribution to public good.

Emeritus Professor and Visiting Professor.

39. (*1*) A retired Professor of the Banaras Hindu University who has acquired distinction in the field of scholarship and research and has published any work of merit may, on the recommendation of the Vice-Chancellor supported with reasons and of the Academic Council, be appointed as Emeritus Professor on such terms as may be prescribed by the Ordinances in this regard.

(*2*) A scholar of eminence who has acquired distinction in the field of scholarship and research and has published any work of merit may, on the recommendation of the Vice-Chancellor supported with reasons, be invited by the Academic Council to deliver lectures in the University for a specified period on such terms as may be prescribed by the Ordinances.

Provision for maintenance of Central Hindu School.

40. (*1*) The Executive Council shall make provision for the maintenance of the Central Hindu School and other schools which have been established in accordance with the Act, these Statutes or the Regulations.

(2) The management of such schools shall be in accordance with the Ordinances made in this behalf.

Properties of the schools to be properties of the University.

41. The schools referred to in Statute 40 and all their buildings, properties, furniture, apparatus and books and accounts shall be the property of the University.

* * * * * *

Subscription by employees

42. Every employee of the University, appointed permanently, or on probation, to a substantive post shall, as a condition of his service, subscribe to the Provident Fund eight and one-third per cent. of his salary; such subscription shall be deducted from his salary every month, fractions of a rupee of the salary being omitted.

Contribution by the University

43. (*1*) The University shall contribute to the Fund a sum equal to such percentage of the salary of each employee as may be approved by the Central Government.

(2) Such contribution shall be credited to the account of the employee concerned and charged to the University accounts under the head "Provident Fund":

Provided that in the case of a person appointed on probation such contribution shall be added to the Fund only on his confirmation credit being given from the date on which the subscription was deducted each time from his salary.

Deposit in Bank.

44. The amount of the deduction made from the salary of an employee under Statute 42 and the amount of the contribution made by the University under Statute 43 shall be deposited in the Post Office Savings Bank or in the State Bank as the Executive Council may direct, in the name of the Fund as early as practicable or at any rate within three days of the date on which the payment of the salary is made.

Investment in securities.

45. (1) The University may, from time to time, invest such part of the Provident Fund, as may be considered expedient, in such Government securities as the Executive Council may determine, and may change the nature of the securities.

(2) All interest or profit realized from the securities or from any deposit or account arising out of the Fund, shall, after deducting the incidental expenses of investment or realization, be credited to the Provident Fund account to be distributed rateably in the account of each subscriber.

Payment of Insurance premia.

46. (1) On a written application from a subscriber to the Provident Fund and with the approval of the Executive Council, the University may allow premia on the Life Insurance policy of the subscriber to be paid out of the subscriber's share in his Provident Fund.

(2) In all such cases, the Life Insurance policy for which the premia are so paid shall be assigned in favour of the University and the policy shall, on the retirement of the subscriber from the service of the University, be re-assigned to him by the University. In case of maturity of the policy during the service of the subscriber in the University, the full amount of the policy shall be credited to the Provident Fund of the subscriber and in the case of the death of the subscriber during the service, the full amount of the policy shall be paid to the legal representative of the deceased entitled to the Provident Fund

Amount when payable.

47. The amount at the credit of any subscriber shall be payable—

(*a*) on the death of the subscriber, to the person or persons nominated by him or, when no such nomination is made, to his legal heir or heirs;

(*b*) on his ceasing to be in the service of the University, to such subscriber, provided—

(*i*) that no subscriber who has been dismissed for what is considered by the Executive Council as gross misconduct, shall, if the Executive Council so directs, be entitled to the benefit or to receive any part of any sum at any time contributed by the University to the Fund or the interest or profit thereon;

(*ii*) that if any subscriber resigns his appointment before putting in five years' service, the University may withhold the contribution allotted to him, together with the interest thereon, and pay to the subscriber only the balance at his credit without such contribution or the interest on or profit from such contribution.

Recovery of loss or damage.

48. The University shall not be entitled to recover from the amount to the credit of any subscriber on account of subscriptions made by him thereto (including interest on or profit from such subscriptions), any sum on account of any loss or damage sustained by the University through the misconduct or negligence of the subscriber or any other sum due to the University from him; any such loss or damage sustained by the University or other liability incurred by the subscriber to the University, shall, however, be recoverable from the contribution made by the University to his account including interest or profit thereon.

Lapse of withheld contribution.

49. Any contribution and interest or profit, withheld under these Statutes, shall lapse to the University.

Advances.

50. (*1*) In case of urgent necessity, which in the opinion of the Executive Council justifies the course, the University may allow a subscriber an advance of a sum, not exceeding his salary for three months, out of the amount subscribed by him with interest thereon (excluding the contribution of the University and the interest or profit thereon).

(2) The advance shall be recovered in such number of monthly instalments, not exceeding twenty-four as the Executive Council may fix, and shall be recovered by deduction from the salary payable by the University to such subscriber; the amount of such instalments shall be fixed in whole rupees, and the deductions shall commence

from the first payment of a full month's salary, after such advance has been made, and the last instalment shall cover the entire balance then due.

(3) Notwithstanding anything in clause (1), if an advance is required for the purpose of building or purchasing a house, the maximum limit of the advance may be equal to twelve months' salary of the subscriber out of his subscription to the Fund, to be repaid in such number of instalments, not exceeding forty-eight, as the Executive Council may determine.

(4) A subscriber may at his option pay at any time any additional sum above the amount fixed.

(5) No subsequent advance shall ordinarily be made until the lapse of three months from the date when the previous advance has been fully repaid.

Subscription during leave.

51. An employee, who is on leave on full pay, shall continue to subscribe to the Provident Fund and may do so at his option, if he is on leave on less than full pay.

Annual statement of account.

52. A separate account in Form A shall be kept in the office of the University on account of every employee subscribing to the Provident Fund, and a copy of the account shall be furnished to every such employee at the end of each financial year and on his ceasing to be an employee.

FORM A

Provident Fund, Banaras Hindu University deposit account for the year ending the 31st of March, 196

Number of Account		Name of Subscriber					Apportionment		
		Deposits							
Date	Opening Balance	Deduction from salary	Contribution by B.H.U.	Withdrawal	Repayment	Closing Balance	Rateable interest or profit added at the end of the year	Total at credit	Remarks
1	2	3	4	5	6	7	8	9	10

Provident Fund Ledger.

53. (*1*) Accounts credited or debited to the Provident Fund shall on the same day be posted to the Provident Fund Ledger in Form B, given below. The figures for column 6 in the ledger will be calculated yearly as also the net balance of each account entered in columns 7 and 10.

FORM B

Provident Fund Ledger, Banaras Hindu University, Banaras

No. of Account	Name of Subscriber	Opening Balance	April to March		Rateable interest or profit	Total	Withdrawal	Repayment	Closing Balance	Remarks
			Deduction from salary	Contribution by B.H.U.						
1	2		4	5	6	7	8	9	10	11

(*2*) No voluntary deposits from employees shall be credited to the Provident Fund.

Closing of account.

54. If a subscriber dies or his services otherwise terminate, his account shall be closed, and the sum due to him shall cease to bear interest or carry any profit after the expiry of the month in which his death or the termination of his services occurs.

Transfer to deposit account.

55. When an account is closed, any sum remaining unclaimed shall be removed from the Provident Fund Ledger and transferred to a deposit account at the end of the year and be dealt with like any ordinary deposit.

Nomination.

56. (*1*) Every subscriber shall be required to sign a written declaration that he has read these Statutes and he agrees to abide by them and hand over for registration in the University Office the name of the person to whom he wishes the balance at his credit to be paid in the event of his death

(*2*) When nominating more than one person, he may state the proportion in which the said balance may be paid to each of them

respectively. In case the nominee or any of the nominees is a minor, he should state the date of birth of the minor nominee; and the payment shall be made to the next friend of the nominee or the guardian who may be authorised by law to receive payment on his behalf while he is a minor.

(3) The subscriber may, from time to time, add to or change his nominee or nominees and the proportion in which the balance at credit is to be distributed, by written application to the University.

(4) A register of nominees shall be kept in the University Office in Form C given below:—

FORM C

Name of Subscriber	Name and address of his nominee with date of birth and the name of his next friend if he is a minor	Signature of Subscriber	Signature of the Rector, B.H.U.
1	2	3	4

57. Notwithstanding anything contained in these Statutes, no employee of the University shall be entitled to the benefit of the Provident Fund if he is otherwise entitled to a pension or the University contributes towards his pension and leave allowance or he has been appointed by the University on a consolidated salary on special terms. Employees who are not eligible.

58. Where any employee of the University has been in continuous service, whether before or after the commencement of the Banaras Hindu University (Amendment) Act, 1965, for not less than ten years, and— Gratuity.

(*i*) he retires from service on account of incapacity; or

(*ii*) he dies while in service;

the employee or, in the case of his death, the dependent members of his family, shall be paid, on such retirement or death, by the Univer-

sity such gratuity as the Executive Council may determine in the circumstances of each case, the amount of gratuity being calculated at a rate not exceeding one-half month's salary last drawn by the employee for every completed year of service or any part thereof in excess of six months:

Provided that in no case the total amount of gratuity so determined shall exceed fifteen months' salary last drawn by the employee.

Maintenance of discipline among students of the University.

59. (*1*) All powers relating to discipline and disciplinary action in relation to students shall vest in the Vice-Chancellor.

(*2*) The Vice-Chancellor may delegate all or such of his powers as he deems proper to the Chief Proctor and to such other persons as he may specify in this behalf.

(*3*) Without prejudice to the generality of his powers relating to the maintenance of discipline and taking such action in the interest of maintaining discipline as may seem to him appropriate, the Vice-Chancellor may, in the exercise of his powers aforesaid, order or direct that any student or students be expelled, or be, for a stated period, rusticated, or be not, for a stated period, admitted to a course or courses of study in a College, Department or Institution of the University, or be fined in a sum of rupees that may be specified, or be debarred from taking a University or College or Departmental Examination or Examinations for one or more years, or that the results of student or students concerned in the Examination or Examinations in which he or they have appeared be cancelled.

(*4*) The Principals of Colleges, Heads of Special Centres, Deans of Faculties and Heads of Teaching Departments in the University shall have the authority to exercise all such disciplinary powers over the students in their respective Colleges, Special Centres, Institutions, Faculties and Teaching Departments in the University as may be necessary for the proper conduct of the Institutions, Special Centres and teaching in the concerned Departments.

(*5*) Without prejudice to the powers of the Vice-Chancellor and the Chief Proctor as aforesaid, detailed rules of discipline and proper conduct shall be framed. The Principals of Colleges, Heads of Special Centres, Deans of Faculties and Heads of Teaching Departments in the University may frame such supplementary rules, as they deem necessary for the aforesaid purposes. Every student shall provide himself with a copy of these rules.

(*6*) At the time of the admission, every student shall be required to sign a declaration that on admission he submits himself to the

disciplinary jurisdiction of the Vice-Chancellor and the several authorities of the University who may be vested with the authority to exercise discipline under the Act, the Statutes, the Ordinances and the rules that have been framed thereunder by the University.

Membership of students' organisations.

60. No student shall be compelled to join any students' organisation; nor shall a student be compelled to pay any fee or subscription for any such organisation unless he is a member thereof.

ANNEXURE

[*See* Statute 24(1)]

LIST OF DEPARTMENTS IN THE BANARAS HINDU UNIVERSITY

Faculty of Arts

1. Department of English
2. Department of Hindi
3. Department of Sanskrit and Pali
4. Department of Economics

* * * * * *

5. Department of Philosophy
6. Department of History
7. Department of Politics
8. Department of Arabic, Urdu and Persian
9. Department of Ancient Indian History, Culture and Archaeology
10. Department of Art and Architecture
11. Department of Indian Philosophy and Religion
12. Department of Foreign Languages
13. Department of Indian Languages
14. Department of Psychology
15. Department of Indo-Sumerian Studies

Faculty of Science

1. Department of Mathematics
2. Department of Botany
3. Department of Chemistry
4. Department of Geology
5. Department of Physics
6. Department of Geography
7. Department of Zoology
8. Department of Spectroscopy
9. Department of Geophysics

Faculty of Technology

1. Department of Silicate Technology
2. Department of Pharmaceutics
3. Department of Chemical Engineering and Chemical Technology.

Faculty of Engineering

1. Department of Metallurgy
2. Department of Mining
3. Department of Mechanical Engineering.
4. Department of Electrical Engineering.
5. Department of Civil and Municipal Engineering

Faculty of Medical Sciences

1. Department of Ayurveda
2. Department of Surgery
3. Department of Anatomy
4. Department of Medicine
5. Department of Bio-Chemistry and Bio-Physics
6. Department of Pharmacology
7. Department of Pathology and Bacteriology
8. Department of Social and Preventive Medicine
9. Department of Obstetrics and Gynaecology
10. Department of Physiology.
11. Department of Micro-Biology
12. Department of Ophthalmology
13. Department of Radiology
14. Department of Forensic Medicine
15. Department of Paediatrics

Faculty of Law

Department of Law

Faculty of Music and Fine Arts

Department of Music

Faculty of Oriental Learning and Theology

1. Department of Sahitya
2. Department of Darshan
3. Department of Vyakaran
4. Department of Religious Instructions
5. Department of Jyotish
6. Department of Theology
7. Department of Dharmashastra and Mimansa

Faculty of Education

Department of Education

Faculty of Agriculture

Department of Agriculture

Faculty of Commerce

Department of Commerce.

B. N. BANERJEE,
Secretary.

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